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ABSTRACT

This guidebook is designed to assist Colorado school and agency professionals in the identification of students with emotional disabilities and in the development and implementation of services for such students with emotional disabilities. Following an introductory chapter, chapter 2 discusses federal and state law governing the identification of, and services to, students with emotional disabilities. Provisions under the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973, and the Americans with Disabilities Act are reviewed, and "significant identifiable emotional disability" (SIED) is defined under Colorado state law. Chapter 3 describes discipline procedures for students with emotional disabilities including suspensions, expulsions, and manifestation determination requirements. A discipline flow chart is provided. Chapter 4 explores current issues and research relating to the eligibility, programming, and services to students with emotional disabilities. The following chapter describes tools and strategies for the identification and eligibility of students with significant identifiable emotional disabilities, including the use of functional assessments. The last two chapters discuss linking assessment data to instructional and positive behavioral supports and future areas for research. Appendices include a chart of functional assessment tools and purposes and uses, and an example of a completed SIED eligibility determination worksheet. (Contains 46 references.) (CR)

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Guidebook for Determining the Eligibility of Students with a Significant Identifiable Emotional Disability (SIED)

Colorado Department of Education
Special Education Services Unit

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December 2000

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Guidebook for Determining the Eligibility of Students with Significant Identifiable Emotional Disability

Colorado Department of Education
Special Education Unit
2000

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SIED Eligibility Guidebook
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Preface

Over the past two decades, Colorado's identification process for students with Significant Identifiable Emotional Disabilities (SIED) has undergone a number of revisions. Such changes have contributed to a lack of clarity on the part of educators around criteria, assessment, policies, and programming. In an effort to establish consistency of practice when determining the eligibility of students with SIED, the Colorado Department of Education convened, in May 1998, a task force comprised of representatives from concerned constituent groups. The responsibilities of the task force were to review Colorado's definition for SIED, to examine issues related to the identification of students with SIED, to identify and understand national trends impacting Colorado, and to establish a standard commensurate with law while reflective of recommended educational practice.

The Colorado Department of Education (CDE) Special Education Services Unit acknowledges the efforts of the SIED Definition/Criteria Committee in the conception and preparation of this document. Committee membership included special educators, administrators, families, and mental health professionals from a variety of agencies throughout Colorado. From the outset, participants were actively engaged in the process and committed to the outcome. The diversity of membership contributed to exciting and thought-provoking discussion while assuring the inclusion of a variety of perspectives. We are grateful for the efforts of all who participated.

We would particularly like to thank the following: Lorrie Harkness, Director of Special Education, for her support of and interest in this project; Stacy Kalamaros-Skalski, our principal author, for her insights, ideas, expertise and masterful writing; and a group of dedicated committee members who spent significant time conceptualizing the ideas reflected in the *Guidebook*. It is our hope that those using this document will find answers to some questions, guidance in others, and a clarity in decision making in their efforts to successfully identify and serve students with significant identifiable emotional disabilities.

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Chapter 1: Introduction to the SIED Manual

The Significant Identifiable Emotional Disability (SIED) Committee

On May 12, 1998 a diverse group of parents, special educators, administrators, and mental health professionals from public schools, mental health agencies, universities, juvenile corrections, and the Colorado Department of Education began the process of reevaluating the identification process and instructional model for students with emotional disabilities. Over the next six months, this committee engaged in active study, discussion, debate, and problem solving about the issues confronting students with emotional disabilities.

The primary tasks accomplished by the committee were:

1. Examine the existing criteria for the identification of students with emotional disabilities and revise the criteria as necessary to reflect the changes in the Individuals with Disabilities Education Act (IDEA 1997).

2. Examine the existing policies, practices, and issues facing the identification of and programming for students with emotional disabilities and come to an agreement as to a standard of practice that is consistent with the law and exemplary educational practices.

3. Formulate a practical guidebook that assists school and agency professionals in the identification of students with emotional disabilities, and the development and implementation of services for such students with emotional disabilities.

Fundamental Assumptions

With the ultimate goal of the SIED Committee being the creation of a practical guidebook, the committee agreed that the foundation of the guidebook should be driven by a set of assumptions that all committee members could agree upon. These assumptions included the following:

- The guidebook should have purposes that are clearly articulated and adhered to.

- The consistent identification of students with emotional disabilities should be promoted.

- The guidebook should be closely linked to federal and state law.

- Practical tools and resources should be offered.

- The role of families, educators, and community members should be stressed in collaboratively responding to the unique learning and social emotional needs of all students with emotional disabilities.

- The consistent implementation of services to students with emotional disabilities should be strongly promoted.

- Practical examples of the implementation of the guidebook should be provided.

- Future directions and areas for study should be identified.

The Purpose of the SIED Guidebook

The identification of and programming for students with emotional disabilities has been inconsistent across Colorado school districts. Much of this inconsistency is partially attributed to the ambiguity in present laws, the public interest in ensuring disciplined and safe schools, and the debate among mental health professionals about the relationship between psychiatric disorders and eligibility for special services. Needless to say, the identification of students with emotional disabilities is a complicated journey with relatively few clear-cut paths. And even if students with emotional disabilities are identified, the task of programming appropriately for these students is perhaps one of the steepest mountains yet to climb. The purpose of this guidebook is to help parents, teachers, administrators and mental health professionals successfully navigate this journey.

The guidebook should promote the consistent identification of students with emotional disabilities, while acknowledging the challenges encountered in this effort.

A primary purpose of this guidebook is to provide a practical resource that contributes to the consistent identification of students with emotional disabilities. It is troublesome when the practices of individual school districts result in a student being eligible for services in one school district/BOCES of the state, and ineligible in a neighboring district. Chapters 2-4 of this guidebook address the current schools of thought, research, issues and practices in identifying students with emotional disabilities. It honestly discusses both the ambiguities and recommended practices that currently exist. Chapters 5-6 detail a specific model and process that is based upon quality research, and the collective knowledge and experience of the SIED Committee Members. We, the SIED Committee Members, firmly believe that if IEP Teams utilize the contents of this guidebook in identifying students with emotional disabilities, improved consistency in

identification practices will be observed across Colorado school districts and some of the ambiguities in the current process will be clarified.

The guidebook should be linked to federal and state law.

To a certain extent in education, "litigation drives practice." Certainly, litigation is at the root of many of the federal and state laws that govern special education. These laws, in combination with the regulations provided by the Department of Education, guide a large portion of our actions. It is critical that any person working with a student with emotional disabilities has a clear understanding of the law and its application. Consequently, Chapters 2-3 of this guidebook identify the constitutional provisions, statutes, regulations, and case law decisions that impact our daily work with students with emotional disabilities.

The guidebook should offer practical tools and resources.

Frequently, practitioners and parents are faced with new assessment tools, curricula, and intervention techniques designed to improve the quality of services provided to students with emotional disabilities. Chapter 5 of this guidebook will offer suggestions for the best tools and resources available for use with these children. The information offered in these chapters is not meant to be an exhaustive list, nor is it meant to restrict professionals to specific tools or practices. Instead it is meant to provide a place to begin. We encourage each of you to recognize the nature of change within education, and to continually engage in professional development opportunities and training in order to keep your skills and knowledge current. We also encourage you to access information regarding standards of practice from your own professional organizations.

This guidebook will serve to reinforce the role of families, educators, and community members in responding to the unique learning and social emotional needs of all children.

In no way is this guidebook designed solely for the purpose of school-based educators. It was created with input from school practitioners, administrators, agency representatives, and families, and it is designed for use by all of these groups. A foundation of this guidebook is the fundamental belief that collaboration across families, schools, and community agencies is imperative in the delivery of quality educational services. Teachers, mental health providers, and parents have a shared responsibility in determining the appropriate educational services and support required to meet the needs of students with disabilities. Chapters 5-6 detail the primary roles and responsibilities of all the people involved in serving students with emotional disabilities. Understanding and fulfilling your specific duties will ensure the implementation of a quality educational program.

The guidebook should promote the consistent implementation of services to students with emotional disabilities, while acknowledging the challenges encountered in this effort.

Once a student is identified as eligible for special services due to an emotional disability, parents and students need to be able to depend on the school district and/or BOCES to provide a basic level of services which would be consistent regardless of where the student resides. Chapters 5 and 6 focus on linking assessment to instruction and discuss the consistent provision of services to students with emotional disabilities.

The guidebook should include practical examples of the implementation of the guide.

Reviewing a manual of "how to fix your car" will not ensure that you are able to "fix your car." Likewise, reading and becoming familiar with the content of the laws and practices described in this guidebook are only one piece of the pie. Understanding the practical application of this information is at the heart of being able to use this guidebook effectively. Throughout this guidebook, we will provide examples of how the tools and strategies can be applied to real life issues, situations, and people. These examples are not meant to provide a cookie-cutter image of what your practice should or will look like. Instead, they are meant to provide an example of one application of the tool or strategy described. With the assistance of sound professional judgement, users of this guidebook should feel free to make minor adaptations to the model in order to accommodate for the differences encountered in applying the model in your specific setting.

The guidebook should identify future directions and areas for study.

This guidebook is just one source of information in an ever-changing field of study. We recognize that there are inherent limitations to a guidebook such as this. No single reference can ever begin to adequately capture the diversity of personal or professional experiences, explain the discrepancies in professional practice and knowledge, or respond to the constantly emerging beliefs defining best practices. Consequently, in Chapter 7 we offer current resources available to guide parents and professionals, and offer suggestions for future study, discussion, and research.

Chapter 2: Students with Emotional Disabilities: Federal and State Law

Understanding the Relationship between the U.S. Constitution and IDEA

It is important for every person involved in public education to have an understanding of the U.S. Constitution and its application to the development of educational law and policy. The constitution is the foundation of all state and federal statutes governing special education. The primary constitutional amendments that relate to education are the 10th and 14th amendments. These amendments read as follows:

10th Amendment:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

14th Amendment, Section 1:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

When you read these amendments, it is interesting to note that neither explicitly mentions education. In fact, nowhere in the Constitution is the right to a public education guaranteed. However, Article 1 Section 8 (1) empowers congress to " lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States." These taxes, used in part for the provision of public education, subsequently establish education as a "property right" of citizens. Further, the reserve powers of the 10th Amendment then delegate to the States the primary responsibility for overseeing public education.

The 14th Amendment establishes two critical protections for individuals participating in public education. These two protections are known as (1) the Due Process Clause; and (2) the Equal Protection Clause. The Due Process clause guarantees that no State "deprive any person of life, liberty, or property without due process of law." There are two types of due process involved in education. First, procedural due process relates to a person's compliance with procedural requirements. For example, procedural due process requires that both notice and

hearing be provided prior to excluding a person from their ability to freely access education, including short-term exclusions. The second type of due process, substantive due process, prevents states from applying punishments that are unfair, arbitrary or capricious. For example, the suspension of a student with emotional disabilities whose misconduct is directly attributable to his/her disability, would be a violation of substantive due process.

The Equal Protection clause guarantees that the State not "deny to any person within its jurisdiction the equal protection of the laws." This guarantee requires States to treat people fairly and equally. The Equal Protection clause was at the heart of the legal case precedents that desegregated the public schools and established the right of people with disabilities to Free Appropriate Public Education. The two cases of significance in this effort were Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania (1972) and Mills v. Board of Education of the District of Columbia (1972). These cases established the relationship of the 14th Amendment to the education of children with disabilities and specified that these students with disabilities were entitled to equal access to schooling. These cases paved the way for the passage of the first federal law addressing the rights of students with disabilities, PL 94-142 (now known as the Individuals with Disabilities Education Act.)

Overview of the Federal Law

In addition to understanding the constitutional foundation for law, it is important to also be familiar with the primary federal and state statutes governing the education of students with disabilities. There are three federal statutes overseeing the education of students with disabilities: the Individuals with Disabilities Education Act of 1997 (IDEA), Section 504 of the Rehabilitation Act of 1973 (504), and the American's with Disabilities Act (ADA).

IDEA. The Individuals with Disabilities Education Act was first passed in 1970 as the Education of the Handicapped Act (EHA) and then further enacted in 1975 as the Education for All Handicapped Children Act (EAHCA). The EHA was again amended in 1986 with the passage of the Handicapped Children's Protection Act and then in 1990 with the amendment that renamed the act, the Individuals with Disabilities Education Act (IDEA). During the 1990's, IDEA was amended with the passage of the Improving America's Schools Act of 1994 and the reauthorization of IDEA in 1997. IDEA is a type of federal grant legislation delineating the minimum standards for educating students with disabilities. With the passage of this act, states were required to meet specific standards in order to receive federal assistance. With each revision, changes were made to the law that reflected trends in society and education, case law decisions pertaining to the education of students with disabilities, and the emergence of professional practices designed to enhance student opportunities.

Section 504. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) is anti-discrimination legislation. It prohibits states from discriminating in federal programs or activities against an otherwise qualified individual with a disability, solely on the basis of the disability. Perhaps the most important Supreme Court ruling dealing with Section 504 was *School Board of Nassau County, Florida v. Arline* (480 U.S. 273, 107 S. Ct. 1123, 94 L.Ed.2d 307 (1987). In this case, the Supreme Court stated that Section 504 was enacted "to ensure that handicapped individuals are not denied jobs or other benefits because of the prejudiced attitudes or ignorance of others" and "that society's accumulated myths and fears about disability and disease are as handicapping as are the physical limitations that flow from the actual impairment." In schools, Section 504 guarantees that students with disabilities be provided a Free Appropriate Public Education (FAPE) regardless of the nature or severity of the disability. Under 504, FAPE ensures the provision of "regular or special education and related aids and services that are designed to meet individual educational needs of handicapped persons as adequately as the needs of non-handicapped persons are met."

ADA. The American's with Disabilities Act (ADA) is also an anti-discrimination statute protecting the rights of people with disabilities in specific areas including employment, telecommunications, transit, and public accommodation. The concept of "reasonable accommodation" is the primary ADA issue impacting schools. This concept suggests that schools must make 'reasonable accommodations' to ensure access of people with disabilities to programs, activities, employment practices, services, or buildings. The provisions of ADA are very similar to the provisions of Section 504 when applied to educational settings.

Definition: A Child with Emotional Disturbance under IDEA

The Department of Education regulations §300.7 for implementing IDEA (1997) state that... "the term 'child with a disability' means a child evaluated in accordance with § 300.530-300.536 as having mental retardation, a hearing impairment, a visual impairment including blindness, serious emotional disturbance (hereafter referred to as an emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or a multiple disability, and who because of that impairment needs special education and related services."

Further, the definition of a student with "emotional disturbance" is defined as follows:

§ 300.7 (b) (4) Emotional disturbance is defined as follows:

(i) the term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

(A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
(C) Inappropriate types of behavior or feelings under normal circumstances.
(D) A general pervasive mood of unhappiness or depression.
(E) A tendency to develop physical symptoms or fears associated with personal or school problems.

(ii) The term includes schizophrenia. The term does not apply to people who are socially maladjusted, unless it is determined that they have an emotional disturbance.

With the passage of IDEA 1997, one major change occurred pertaining to the terminology used in referring to students with emotional disabilities. The old IDEA referred to a student with emotional disabilities as being a child with "serious emotional disturbance". In § 300.7 (b) (4) (Note 4) the federal review committee clarifies this action by saying, "the committee wants to make clear that changing the terminology from "serious emotional disturbance" to "emotional disturbance".... is intended to have no substantive or legal significance. It is intended strictly to eliminate the pejorative connotation of the term "serious". It should in no circumstances be construed to change the existing meaning of the term under 34 CFR 300.7 (b) (9) as promulgated September 29, 1992 (H. Rep. No. 105-95, p. 86 (1997))

Definition of a Handicapped Person under Section 504.

Any person who qualifies under IDEA (1997) is also entitled to the protections of Section 504. However, Section 504 may also include students with disabilities not qualifying under IDEA. Consequently, it is important to understand the similarities and differences between the two laws and how they may or may not apply to students with emotional disabilities.

According to the US Department of Education Regulations for the implementation of Section 504 (34 CFR Part 104), Title 34, Subpart A (104.3) (j) reads that

(1) "Handicapped persons means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

(2) As used in paragraph (j) (1) of this section, the phrase:

(i) "Physical or mental impairment" means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(ii) "Major life Activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(iii) "Has a record of such impairment" means (A) has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (B) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (C) has none of the impairments defined in paragraph (j) (2) (i) of this section but is treated by a recipient as having such an impairment.

Practitioners and parents should note that Section 504 contains a much more global description of a child with a disability, and therefore, the protections of Section 504 may apply to children with disabilities who may not be eligible for special education services under state or federal IDEA provisions.

Overview of Colorado State Law: Children with Disabilities including a "Significant Identifiable Emotional Disability"

In addition to the federal law, Colorado State Law and the Colorado Department of Education regulations provide additional guidelines to follow in identifying and serving students with emotional disabilities. In most cases these laws and guidelines are very similar in wording to the federal law and regulations. Colorado's state law identifies "children with disabilities" as "persons between the ages of 3-21, who are unable to receive reasonable benefit from regular education without additional supports in the public schools because of specific disabling conditions." These disabling conditions include physical disability, vision disability, hearing disability, significant limited intellectual capacity, significant identifiable emotional disability, perceptual or communicative disability, speech language disability, multiple disabilities, preschool child with a disability, or infant/toddler with a disability. Children with disabilities" also means those persons between the ages of 3-21, whose presence in the ordinary education program is detrimental to the education of others and who must therefore receive

modified or supplementary assistance and services in order to function and learn." (CRS 22-20-103 (1.5)). This definition, although consistent with the spirit of the federal law, does utilize a different "label" for students with emotional disabilities. The SIED committee recognizes this difference and the occasional resulting confusion it creates for some school practitioners. However, the committee agreed that the term "significant identifiable emotional disability" is acceptable to most practitioners and better reflects Colorado's legislative intent.

The rules for the Administration of the Education of Exceptional Children Act, *1992 (1 CCR 301-8 §2220-R-1.0-8.0)* define Significant Identifiable Emotional Disability as follows:

> 2.02 (5) A child with a ***significant identifiable emotional disability*** shall have emotional or social functioning which prevents the child from receiving reasonable educational benefit from regular education.
>
> 2.02 (5) (a) Emotional or social emotional functioning shall mean one or more of the following:
>
> | | |
> |---|---|
> | 2.02 (5) (a) (i) | Exhibits pervasive sad affect, depression and feelings of worthlessness; cries suddenly or frequently. |
> | 2.02 (5) (a) (ii) | Displays unexpected and atypical affect for the situation. |
> | 2.02 (5) (a) (iii) | Excessive fear and anxiety. |
> | 2.02 (5) (a) (iv) | Persistent physical complaints not due to a medical condition. |
> | 2.02 (5) (a) (v) | Exhibits withdrawal, avoidance of social interaction and/or lack of personal care to an extent that maintenance of satisfactory interpersonal relationships is prevented. |
> | 2.02 (5) (a) (vi) | Out of touch with reality; has auditory and visual hallucinations, thought disorders, disorientation or delusions. |
> | 2.02 (5) (a) (vii) | Can not get mind off certain thoughts or ideas; cannot keep self from engaging in repetitive and/or useless actions. |
> | 2.02 (5) (a) (viii) | Displays consistent pattern of aggression toward objects or persons to an extent that |

development or maintenance of satisfactory interpersonal relationship is prevented.

2.02 (5) (a) (ix) Pervasive oppositional, defiant, or noncompliant responses.

2.02 (5) (a) (x) Significantly limited self-control, including an impaired ability to pay attention.

2.02 (5) (a) (xi) Exhibits persistent pattern of stealing, lying, or cheating.

2.02 (5) (a) (xii) Persistent patterns of bizarre and/or exaggerated behavior reactions to routine environments.

2.02 (5) (b) Criteria for a ***significant identifiable emotional disability*** preventing the child from receiving reasonable educational benefit from regular education shall include the following characteristics and qualifiers:

2.02 (5) (b) (i) One or both of the following characteristics shall be present:

- *Academic Functioning:* An inability to receive reasonable educational benefit from regular education which is not primarily the result of intellectual, sensory, or other health factors, but due to the identified emotional condition.

- *Social/Emotional Functioning:* An inability to build or maintain interpersonal relationships which significantly interferes with the child's social development. Social development involves those adaptive behaviors and social skills which enable a child to meet environmental demands and assume responsibility for his/her own and others' welfare.

2.02 (5) (b) (ii) All four of the following qualifiers shall be documented for either of the above characteristics demonstrated. The first qualifier may not be applicable in the case of court ordered placements, triennial reviews, and identification of children ages 5 years and younger.

- A variety of instructional and/or behavioral interventions were implemented within regular education and the child remains unable to receive reasonable educational benefit from regular education or his/her presence continues to be detrimental to the education of others.

- Indicators of social emotional dysfunction exist to a marked degree; that is, at a rate and intensity above the child's peers and outside of his/her ethnic and cultural norms and outside the range of normal developmental expectations.

- Indicators of social/emotional dysfunction are pervasive, and are observable in at least two different settings within the child's environment, one of which shall be school.

- Indicators of social/emotional dysfunction have existed over a period of time and are not isolated incidents or transient, situational responses to stressors in the child's environment.

Understanding the Relationship between the Federal Law and State Regulations

Many practitioners have requested guidance in understanding the differences between the federal law and state regulations in identifying students with emotional disabilities. A major point of confusion is the difference between the federal law and state regulations in identifying the "characteristics" of an emotional condition. As seen on page 8 of this guidebook, the language in the Federal Law notes five "characteristics" plus schizophrenia as being evidence of an emotional condition. Pages 10-11 of the guidebook notes that the Colorado Regulations in turn identify twelve "social-emotional functioning indicators" and two "characteristics" which describe an impact to either social-emotional or academic functioning. Although these sections of the law appear to parallel one another, questions arise as to whether they are the same or interconnected in any way. Given these differences, the SIED Committee recognized the need for guidance in integrating the two. Table 1 visually depicts these interconnections.

The remaining parts of the state regulations include the federal requirement that the characteristics must have existed "over a long period of time" and to a "marked degree." The State Regulations include these stipulations within the four additional qualifiers: (1) the need for a variety of instructional and/or behavioral interventions to have been implemented and documented within regular education; (2) a stipulation that each of the social emotional indicators need to have existed to a marked-degree and at a rate and intensity above the student's peers; (3) that the social emotional indicators must be observable in at least 2 settings, one of which must be school; and (4) that the social emotional indicators have existed for a period of time and are not isolated incidents or situational responses. Qualifiers #1 and #3 offer further support for the federal requirement establishing the "need for special education and related services".

Table 1: Inter-connections between the Federal and State Regulations

Federal Characteristics for SED	State Indicators** and Characteristics of Social Emotional Disturbance
An inability to learn that cannot be explained by intellectual, sensory, or health factors.	Academic Functioning Impact
An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.	Social Emotional Functioning Impact v viii
Inappropriate types of behavior or feelings under normal circumstances.	ii vii ix x xi xii
A general pervasive mood of unhappiness or depression.	i
A tendency to develop physical symptoms or fears associated with personal or school problems.	iii iv
Schizophrenia	vi

*** All indicators are identified by their Roman numeral. For a specific listing of these indicators refer to pg. 10 and 11 of this guidebook.*

It is not unusual for state statutes and regulations to be worded differently than federal statutes and regulations. In fact, in reviewing 28 states' criteria and definitions for Emotional Disturbance, a great amount of variability was observed. States are obliged to adopt statutes that are at least as inclusive as the federal statutes, but can not be more restrictive.

The federal law notes that the "term (ED) does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance." The SIED Committee recognizes that Colorado's Regulations do not include the "social maladjustment" exclusion provided in the federal law. Overall, the definition of students with emotional disabilities in the Colorado Regulations provides more specific elaboration than the federal law or regulations. Further, Colorado's definition remains consistent with the spirit of the federal law. Consequently, it is critical that Colorado practitioners be familiar with this definition and criteria and utilize it when identifying students with emotional disabilities. The implications of the omission of "socially maladjusted" are discussed in Chapter 4, and more information on implementing these criteria will be discussed in Chapter 5.

Chapter 3: Other Legal Issues in Serving Students with Emotional Disabilities

In addition to the issues involved in determining the eligibility of students with emotional disabilities as discussed in Chapter 2, other legal issues also impact services to these students. Two major issues addressed in this chapter involve (1) disciplining of students with emotional disabilities; and (2) placement decisions for students with emotional disabilities.

Disciplining Students with Emotional Disabilities

Perhaps the most significant changes made to IDEA (1997) were related to the disciplining of students with disabilities. Because of the frequency with which students who have emotional disabilities are subject to discipline, it is important to review the Federal and State Statutes and related Regulations.

Authority of School Personnel to Discipline Students with Disabilities including the use of Short-term Suspensions

IDEA (97) Sections 300.519-300.529 permit the disciplining of students with disabilities, including the suspension or expulsion of students resulting in removal from their current educational placement. Section 300.520 gives school personnel permission to discipline students through the use of suspensions from school for up to 10 consecutive school days in the school year. During the initial 10-day period, schools are generally permitted to discipline students with disabilities in the same fashion as their non-disabled peers.

Colorado State Law also permits the disciplining of students who engage in behavior that violates a school district's conduct code. This law is consistent with federal law and permits the suspension and expulsion of students with disabilities. CRS § 22-33-106 states:

(1) the following shall be grounds for suspension or expulsion of a child from a public school during a school year:

(a) continued willful disobedience or open and persistent defiance of proper authority;
(b) willful destruction or defacing of school property;
(c) behavior on or off school property which is detrimental to the welfare or safety of other pupils or of school personnel including behavior which creates a threat of physical harm to the child or to other children.....

Clearly, both state and federal law intends to provide schools the opportunity to maintain order through the application of appropriate discipline.

The intent of state and federal law is that discipline will be applied equally to disabled and non-disabled students.

However, there are some exceptions to this general principle. First, educators, parents, and lawmakers have historically been very concerned that the length of a suspension and/or expulsion from school may have a greater negative impact on the learning of special education students, than on their non-disabled peers. This concern has led lawmakers to include criteria in statutes that require school professionals to consider if the student's exclusionary discipline period warrants a "change of placement." If and when this disciplinary period does, school officials are required to examine the appropriateness of the disciplinary methods being utilized and special education services being offered. Second, educators, parents, and lawmakers have been concerned with the "fairness" of equally applied discipline methods. Although schools clearly have an interest in maintaining order, the question is raised whether it is "fair" to apply discipline equally to non-disabled and disabled students when a student's disability may be contributing to the occurrence of the misconduct. Given these two major considerations, let us examine the statutory responses to these issues.

Length of Suspensions & Change of Placement. IDEA (97) provides guidance to practitioners on the appropriate use of short-term exclusionary discipline. It delineates the appropriate length of a short-term removal of a child with disabilities from his/her educational placement, the conditions under which these removals may apply, and how they may be used. IDEA (97) § 300. 520 (a) specifies the following regarding the length of short-term exclusions:

(a) School personnel may order—

(1) *(i) To the extent removal would be applied to children without disabilities, the removal of a child with a disability from the child's current placement for not more than 10 consecutive school days for any violation of school rules, and additional removals of not more than 10 consecutive school days in the same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under § 300. 519 (b));*

(ii) After a child with a disability has been removed from his or her current placement for more than 10 school days in the same school year during any subsequent days of removal the public agency must provide services to the extent required under § 300. 5121 (d);

(2) A change in placement of a child with a disability to an appropriate interim alternative educational setting for the same amount of time that

a child without a disability would be subject to discipline, but for not more than 45 days if—

(i) The child carries a weapon to school or to a school function under the jurisdiction of a State or local educational agency; or

(ii) The child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a State or local educational agency.

IDEA also seeks to ensure that when students are disciplined, their behavioral problems are responded to with appropriate assessment, instruction, and behavioral supports. IDEA (97) § 300. 520 (b and c) specifies the following regarding the school's responsibility to teach students with disabilities appropriate behavior through the use of behavioral intervention plans:

(b)

(1) Either before or not later than 10 business days after either first removing the child for more than 10 school days in a school year or commencing a removal that constitutes a change of placement under § 300. 519, including the action described in paragraph (a) (2) of this section—

(i) If the LEA did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the child before the behavior that resulted in the removal described in paragraph (a) of this section, the agency shall convene an IEP meeting to develop an assessment plan.

(ii) If the child already has a behavioral intervention plan, the IEP team shall meet to review the plan and its implementation and, modify the plan and its implementation as necessary, to address the behavior.

(2) As soon as practicable after developing the plan described in paragraph (b) (1) (i) of this section, and completing the assessment required by the plan, the LEA shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.

(c)

(1) If subsequently, a child with a disability who has a behavioral intervention plan and who has been removed from the child's current educational placement for more than 10 school days in a school year is subjected to a removal that does not constitute a change of placement under § 300. 519, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

(2) If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

As previously stated, schools are not permitted to implement suspensions that would otherwise be considered a "change of placement" without prior thoughtful review of the appropriateness of the student's IEP. IDEA specifies what a 'change of placement' involves, under what conditions it may be applied, the services that must be provided during the duration of the suspension or expulsion; and the procedural safeguards in place to protect the student from discrimination. IDEA (97) § 300. 519 (a-b) states:

A change of placement occurs if—

(a) the removal is for more than 10 consecutive school days; or

(b) the child is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year, and because of factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.

Occasionally, the misconduct of a student with disabilities necessitates a brief change of placement to an "Interim Alternative Educational Setting (IAES)." According to IDEA, (See IDEA Regulations 300.520 (a) (2) and 300.522) several conditions must be met in utilizing this setting:

- The IEP team determines if an IAES is appropriate for the student.
- The IAES must (a) allow the student to progress in the general curriculum; (b) provide the student the necessary services and modifications to meet the goals set out in the IEP; and (c) include services and modifications to address the presence of the misconduct behavior and prevent the reoccurrence of the misconduct behavior.
- A student with a disability may be placed in an IAES for a period of time consistent with their non-disabled peers, but not more than a maximum of 45 days.

Expulsion and the Manifestation Determination Review. In most cases, the punishment of students with disabilities engaging in misconduct will result in a maximum of 10 days of suspension. However, Colorado law also requires that students engaging in serious violations of school rules must be expelled. The Colorado Safe Schools Act states that the following shall be grounds for suspension and expulsion:

> *...Declaration as a habitually disruptive student pursuant to the provisions of this paragraph, which expulsion shall be mandatory.... For the purposes of this paragraph, habitually disruptive student means a child who has been suspended.....three times during the course of the school year for causing a material and substantial disruption in the classroom, on school grounds, on school vehicles, or at school activities or events, because of behavior that was initiated, willful, and overt on the part of the child. CRS §22-33-106 1(c.5) and (II)*

> *...Serious violations in a school building or in or on school property, which suspension or expulsion shall be mandatory; except that expulsion shall be mandatory for the following violations: carrying, bringing, using or possessing a dangerous weapon without the authorization of the school or the school district; the sale of a drug or controlled substance as defined in section 12-22-303, CRS, other than the commission of an act that would be third degree assault under section 18-3-204, CRS if committed by an adult. CRS §22-33-106 1(d) (I)*

Children with disabilities are not exempt from these statutes. However, the federal law and state law indicate that when expulsion proceedings are brought against a student with disabilities, prior to conducting the expulsion hearing the school district must ensure that the student's misconduct was not a manifestation of his/her disability. The process utilized in guiding these decisions is called the "manifestation determination review." CRS §22-33-106 1(c) addresses this expectation stating:

> *(1) The following shall be grounds for suspension or expulsion of a child from a public school during a school year:....*
>
> *(c) behavior on or off school property which is detrimental to the welfare or safety of other pupils or of school personnel including behavior which creates a threat of physical harm to the child or to other children; except that if the child who creates such a threat is a child with a disability pursuant to section 22-20-103 (1.5), such child may not be expelled if the actions creating such threat are a manifestation of such child's disability. However, such child shall be removed from the classroom to an appropriate alternative setting within the district in which such child is enrolled for a length of time which is consistent with federal law, during*

which time the school in which such student is enrolled shall give priority to and arrange within ten days for a reexamination of such child's individual education plan to amend such plan as necessary to ensure that the needs of such child are addressed in a more appropriate manner or setting which is less disruptive to other students and is in accordance with the provisions of article 20 of this title. Nothing in this paragraph (c) shall be construed to limit a school district's authority to suspend a child with a disability for a length of time which is consistent with federal law.

IDEA delineates several responsibilities of educational administrative units in responding to expulsion charges against a student with disabilities (See IDEA Regulations—300. 523):

- Immediately upon the decision that expulsion is to be pursued, the parents of the student with disabilities must be notified and provided procedural safeguards.

- Within 10 days of the decision, a manifestation staffing review must be conducted.

- The IEP team and otherwise qualified personnel are responsible for conducting the manifestation determination review.

- The goal of the manifestation review team is to determine the relationship of the child's disability to the misconduct. Consideration must include review of: evaluation and diagnostic information and results including information supplied by parents; observations of the child; IEP and placement; and if the IEP and placement were appropriate. Additionally, the appropriateness of supplementary aids and services and behavior intervention strategies must be reviewed. Finally, the team must determine that (a) the child's disability did not impair the ability of the child to understand the impact and consequences of misconduct; and (b) the child's disability did not impair the ability of the child to control the misconduct.

- If the IEP team determines that the misconduct was substantially related to the disability, the team may not expel the student with disabilities. The subsequent responsibility of the team is then to remedy any deficiencies in the IEP or Placement that are identified and to determine appropriate services for the student.

Figure 1 summarizes the disciplinary process for students with emotional disabilities. Step 1 examines the nature of the students misconduct, Step 2 provides guidance on the use of exclusionary discipline for 10 days or less; Step 3 deals with the issues involved with the removal of students for more than 10 days; and Step 4 (a and b) deals with patterns of misconduct, manifestation

FIGURE 1: DISCIPLINE FLOW CHART

Created by: : John Stanek, J.D. Douglas County Schools and Cheryl Karstaedt, J.D. Caplan & Earnest Law Firm (1999)

Step 1: Nature of Misconduct	Step 2: Removals of 10 Days or Less	Step 3: Removals over 10 Cumulative Days	Step 4: (CIP) Removals of 10 Consecutive or Pattern	Step 4a: Manifestation Determination	Step 4b: Discipline Action
Typical Misconduct: 1. Treat the student in the same manner as students without disabilities up to the first 10 days of aggregate suspensions. **Misconduct Involving:** 1. Dangerous Weapon 2. Possession or sale of drugs/controlled substances or 3. Declared "dangerous" by a hearing officer **Interim Alternative Educational Placement (IAEP) for up to 45 days:** Determined by: 1. IEP team for drugs or weapons 2. Hearing officer for dangerous students 3. May be repeated within the same school year 4. FAPE + services so misconduct doesn't recur ** Honig injunction is also available	**Notice to parent provided:** 1. Discipline Action 2. Procedural Safeguards **Administrator may:** 1. Suspend 2. Place in another setting 3. Send to IAEP **Analyze for Pattern:** 1. Length of removal 2. Proximity to other removals 3. Total amount of all removals 4. Nature and cause of misconduct **NOTE:** A. No manifestation determination required. B. No Functional Behavioral Assessment (FBA) or Behavior Intervention Plan (BIP) required. If misconduct is declared "substantially disruptive" and applying to habitual disruption, a remedial discipline plan is required and the IEP team must determine if the misconduct is a manifestation. If a manifestation– it may not be used toward habitual disruption. C. Administrators may utilize alternatives to suspension and expulsion.	**Level of Services:** School personnel and SPED case manager meet to determine level of services. **FBA Plan:** Plan for a FBA to be completed within 10 business days after the 10th day of removal. The need for Informed Consent should also be considered. **Behavior Intervention Plan:** IEP team develops a BIP based upon the FBA as soon as practical.	**Notice to Parent Provided:** 1. Discipline Action 2. Procedural Safeguards **IEP team with other qualified individuals must:** 1. Make a manifestation determination 2. Plan a functional behavioral assessment 3. Develop/Review a behavioral plan based upon the functional behavioral assessment as soon as practical. **IEP team may:** 1. Place in IAEP for up to 45 days for weapons, drugs, or (by hearing officer) dangerousness.	**A. To be Considered:** 1. Evaluation/Diagnostic information 2. Information from parents 3. Observations 4. IEP and placement **B. Determine:** 1. Was the IEP designed appropriately? 2. Were services and supplemental aids and services provided as written? 3. Was placement appropriate and thereby conferring reasonable benefit? 4. If any of the above (#B1-3) are answered "No", then it is Manifestation of the Disability. **C. Decide whther the identified disability impairs the child's ability to:** 1. Understand the consequences and impact of the misconduct? 2. Control the misconduct behavior? 3. If either of the above (#C1-2) are answered "Yes", then it is a Manifestation of the Disability.	**Manifestation:** If the misconduct is a manifestation of the disability the discipline proceeding must stop and the IEP team must review the IEP and adjust the programming according to LRE options. 10 day count begins anew in the new placement. **No Manifestation:** If the misconduct is found not to be a manifestation of the disability, typical discipline proceedings are followed. Following either removal of more than 10 consecutive days, 10 days in the aggregate, or expulsion, the IEP is to be tailored such that FAPE is to be provided on day 11 of the suspension or expulsion. **Parent Appeal:** The parent may appeal the manifestation determination of the IEP team.

determination, and the resulting disciplinary action. The SIED Committee thanks John Stanek, J.D. of the Douglas County Schools and Cheryl Karstaedt, J.D. of the Caplan and Earnest Law Firm for contributing this Discipline Flow Chart to this guidebook.

Other Placement Considerations for Students with Emotional Disabilities

House Bill 97-1174 required the Colorado Department of Education to provide guidelines for (1) the determination of the most appropriate placement for children and youth receiving special education (also known as the "Least Restrictive Environment" or LRE); and (2) determining if a child's presence in a general education classroom is so disruptive that other children's learning in the class is significantly impaired.

The basic foundation in determining the appropriate placement for a student with an IEP is that he/she is placed in the Least Restrictive Environment. This means that the student must be educated in the same school he or she would attend if not disabled, unless, due to the severity of the disability, the IEP team determines an alternative placement is necessary to meet the student's needs. In order to consider a more restrictive setting, the Local Educational Agency (LEA) must demonstrate "just cause." That is, the district must establish that placement in a more restrictive environment would provide equal or greater educational benefit to the student than the general education setting (Unified School District v. Holland, 1992). Under federal and state statutes, case law, and legal interpretations, the general education setting with appropriate supplemental aids and services, must be the initial consideration for placement (DeMitchell and Kerns, 1997). Additionally, LEAs may not make placements based solely on factors such as category of disability, severity of disability, configuration of delivery system, availability of educational or related services, availability of space, or administrative convenience. (Colorado Department of Education Guidelines for the Implementation of HB 97-1174, February 1998).

When considering these guidelines it is important to clarify what the authors of IDEA meant when they said "LEAs may not make placements based solely on factors such as category of disability, severity of disability, configuration of delivery system, availability of educational or related services, availability of space, or administrative convenience." This requirement is meant to ensure that the placement of students is done in accordance with that student's individual needs. Often students with emotional disabilities, upon determining that they are eligible for special education are automatically placed in SIED classrooms or removed from the general education environment. Without objective information about the extent to which the student is able to receive "reasonable benefit" within the general education environment with supplemental aids and services, this practice would be considered inappropriate. Additionally, if a student's performance clearly indicates that he/she is not able to receive "reasonable benefit" within the general education environment and needs a more restrictive

setting and that setting is not available due to space or administrative convenience, then that student's continued placement would be inappropriate.

Chapter 4: Current Issues and Research

There are many issues around the eligibility, programming, and services to students with emotional disabilities that have generated significant discussion in school building team meetings, special education administrative meetings, and in the research. These topics raise questions of both philosophy and practice. In Chapter 4 of this manual, we will discuss some of the common questions that are being debated. In some cases the "answer" will be quite clear—in other cases, practitioners will need to use their professional judgement to determine the best course of action. Regardless, please recognize that theory and practice often change. Consequently, it is imperative that practitioners working with students with emotional disabilities regularly read the research and engage in professional development training activities.

How does the "social maladjusted" exclusion impact the identification of students with emotional disabilities?

As previously discussed in IDEA 300.7 (c) (4) (ii), the definition of an emotional disturbance "does not apply to children who are 'socially maladjusted', unless it is determined that they have an emotional disturbance." The phrase "socially maladjusted" is never defined in IDEA and has sparked great debate. Many practitioners have equated the term "social maladjustment" with a DSM-IV diagnosis of Conduct Disorder (312.8 DSM). Many professionals believe that the term "socially maladjusted" was intended to exclude juvenile delinquents from special education (Skiba & Grizzle, 1991). Juvenile delinquents are commonly thought to be youth who have chronic patterns of behavior involving the violation of the basic rights of others, societal norms and values. These symptoms are critical to the identification of people with Conduct Disorder and Antisocial Personality Disorder. The diagnosis of Conduct Disorder is typically assigned to students under the age of 18. Whereas adults who demonstrate pervasive disregard for the basic rights of others typically fall into the category of Antisocial Personality Disorder (301.7 DSM). The link between these two diagnoses is clear in that in order for an adult to be identified with Antisocial Personality Disorder, he/she must have had evidence of the symptoms of Conduct Disorder prior to age 15. Jane Slenkovich, a California attorney, argues that three prominent court cases demonstrated the social maladjustment exclusion: A.E. Evans v. Independent School District No. 25 (1991), Doe v. Board of Education (1990); and Doe v. Sequoia Union High School District (1987) (Slenkovich, 1992). She states that " in all cases the courts held, based upon the students' conduct-disordered behavior (cutting class, lots of sex, drugs, abusive language, etc.), the students were social maladjusted and therefore, excluded from the SED (Serious Emotional Disturbance) definition." (p.21)

In contrast, many other professionals note that the presence or absence of "social maladjustment" or a Conduct Disorder diagnosis is irrelevant in the

determination of eligibility of students with emotional disorders (Skiba & Grizzle, 1991; Nelson, 1992; Skiba & Grizzle, 1992). Skiba and Grizzle (1992) represent this perspective by contending that "if a child qualifies as SED he or she is SED, and the social maladjustment exclusionary clause is irrelevant." (p. 25) They contend that the student's ability to meet the criteria of SED is the only pertinent consideration. Perry Zirkel, an attorney and professor at Lehigh University, commented on the debate between Slenkovich (1992) and Skiba and Grizzle (1992) in the *School Psychology Review* (1992, volume 21, issue 1). He noted that "in the cases cited by Slenkovich, the students were excluded not because they were (or were not) socially maladjusted, but because they did not meet the required elements in the legal definition of SED." (p.41) Additionally, he added that "as a matter of law, whether defined as conduct disordered or not, many socially maladjusted students are entitled to special education and/or related services namely, (a) those who exhibit one or more of the 5 factors (of the IDEA definition) with sufficient duration, degree, and effect; (b) those who qualify under another IDEA disability (or one under a supplemental state statute); and (c) those whose condition constitutes a substantial impairment with learning and thus qualify under Section 504. On the other hand, those socially maladjusted students who do not fit in these legal categories are excluded from coverage, regardless of the definitions in the DSM-III, the past practice of teacher referrals, or the taxonomy/policy controversies of the empirical literature." (p.41-42)

This SIED committee recognizes that in Colorado there is significant debate and a variety of practices regarding this issue. However, the committee supports the position of Perry Zirkel (1992). The presence or absence of a diagnosis of Conduct Disorder is only relevant when a student does not otherwise qualify as a student with emotional disabilities under IDEA or Section 504. Further, Colorado regulations for the identification of students with emotional disabilities are more specific than the federal law. Because these regulations are within the spirit of the federal law, they are to be fully applied. Nowhere in Colorado law or the Colorado regulations is the presence or absence of a DSM-IV diagnosis required. Under Colorado law, students must simply meet the eligibility criteria. (Note: A detailed discussion of the application of these criteria exists in Chapter 5 of this manual.)

How do practitioners determine the "adverse affect on educational performance?"

IDEA 300.7 (c) (4) (1) defines emotional disturbance as "(i) ...a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that *adversely affects a child's educational performance*..." The ability of an IEP team to precisely determine the influence that an emotional disability has on a student's educational performance is difficult and controversial. In Colorado, a variety of approaches are currently being used to make this determination. In some school districts single approaches are being used, while in other school districts multiple approaches are being used. The

research in this area suggests that it is appropriate for school districts to consider multiple approaches to determining adverse affects (Wodrich, Stobo, and Trca, 1998). These researchers explain that "it would be naïve to assume that an emotional disorder's effect is always expressed in accumulated academic skill deficits or that an emotional disorder continuously disrupts school learning." (p. 230) Further they note that "no single set of procedures is likely to be suitable for assessing the impact on educational performance for all of these many and divergent emotional conditions." (p.231)

The diversity of practice recognized in various legal decisions supports the notion that the utilization of multiple approaches is likely the best method for determining adverse affects. Gorn (1996) notes that in some cases students were not eligible for SED when they were able to achieve grades commensurate with effort, successful performance on tests, and/or successful academic progression (Child with Disabilities, 19 IDELR 198 (SEA Conn.1992); Farquier County Public Schools, 20 IDELR 579 (SEA Va.1993). Other cases viewed educational performance as significantly impacted when a child exhibited an impaired ability to adapt to the environment, interact appropriately with others, participate in class activities, and/or follow directions—regardless of the presence or absence of acceptable academic grades (Kristopher H., 1985-86 EHLR 507:183 (SEA Wash. 1985; Oakland Unified School District, 1985-86 EHLR 507:191 (SEA Cal. 1985).

Further, Wodrich, Stobo, and Trca (1998) advocate for the use of multiple approaches in determining "adverse affect on education." These approaches include:

1) *An ability/achievement discrepancy.* This model utilizes Colorado's 1+1+1 discrepancy model for the identification of students with learning disabilities. It recognizes that for some students with emotional disabilities a significant discrepancy may exist between intellectual functioning and academic achievement in reading, math, or written language. It also assumes that the reason for this discrepancy is not impacted by the presence of a processing deficit but instead, a significantly identifiable emotional condition. Wodrich, Stobo, and Trca (1998) note that "this procedure would appear most valid if (1) a student's emotional problems had preschool or early primary grade onset; (2) symptoms indicative of emotional disturbance had been constantly and uniformly present; and (3) problem behaviors had occurred during instructional times (i.e. during lectures, seatwork, homework.)" (p. 232)
2) *Failure to Continue to Master Curriculum.* This model notes that a student's failure to continue to master the curriculum concurrent with the onset of a significant emotional disturbance is evidence of an "adverse affect on educational performance." This failure is manifested in failing grades or test scores that fail to show continued growth and mastery of the school subjects despite the student's regular attendance at school.

This model recognizes that waiting until a student's ability and achievement level is discrepant may result in undue harm to the child. Additionally, the positive outcomes of early identification and intervention efforts would be lost while waiting for the discrepancy levels to be achieved. Wodrich, Stobo, and Trca (1998) suggest the following as evidence of adverse educational performance: (1) abrupt and significant deterioration in report card marks; (2) obvious decline in the mastery of educational objectives; (3) severe decrease in classroom productiveness, or (4) sudden inability to master more advanced, complex skills or to accomplish long-term projects (e.g. term paper)." (p. 234)

3) *Chronic Absence from School.* This model recognizes that a student's chronic absence from school results in missed opportunities and adverse educational performance. Truancy that is attributable to an identified emotional condition requires treatment and intervention on the part of the school. It can not be assumed that chronic absences are always volitional in nature. School phobia, severe anxiety disorders, social withdrawal, and other emotional conditions may result in chronic student absences. Wodrich, Stobo, and Trca (1998) clarify this position by saying, "If educational performance were scrutinized by both the ability/achievement discrepancy and the failure to master the curriculum methods, then most students who are suffering educationally because of emotional disturbance probably would be detected. But some students, specifically those who no longer attend class, would be missed. It is hard to argue that a child who is no longer in the classroom is spared from adverse educational impact. This impact is real and its effect significant, even though there may be no evidence of it on formal psychometric testing and even though it may not be evident by the curriculum mastery criterion listed in the preceding section. " (p. 237)

This SIED committee recommends that Colorado school districts adopt multiple approaches to identifying "adverse educational impact". Each of the above mentioned approaches, whether identified in case law and/or research, seeks to fulfill the requirement of considering "adverse educational impact" prior to determining eligibility for special education. The committee believes that utilizing only one of these approaches could cause potential harm by under-identifying students with emotional disabilities. These approaches rely heavily on professional judgement and thoughtful, ethical decision-making.

Are students with emotional disabilities entitled to services if they are suspended or expelled from school?

IDEA (1997) 300.121(d) specifies that in the case of short-term suspensions (10 days or less) school districts are not required to provide Free Appropriate Public Education (FAPE). However, when a student is removed from his/her current placement for more than 10 school days (by a long-term suspension or expulsion), the district is responsible for providing "services to the

extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set in the child's IEP." (IDEA 300.121 (d) (2) (i)) This requirement applies regardless of the misconduct. Additionally, if the misconduct results in the student being placed in an alternative educational setting, FAPE must be also be provided consistent with this standard.

IDEA (1997) 300.622 gives discretion to states to use financial surpluses associated with IDEA funds to create subgrants for Local Educational Agencies. These grants are in five broad areas that include alternative programming for children who have been expelled from school. Although districts are not required to create alternative programs for expelled students (i.e. expulsion schools, computer-guided instruction, etc.), many districts may find that meeting the "general education curriculum" requirements are easier when these programs exist.

Can a student with emotional disabilities be expelled from school for being a "habitually disruptive student?"

A "habitually disruptive student" under Colorado Law is "a child who has been suspended...(1) three times during the course of the school year for causing a material and substantial disruption in the classroom, on school grounds, on school vehicles, or at school activities or events, because of behavior that was initiated, willful, and overt on the part of the child." (CRS 22-33-106 (1) (II). Colorado law also requires that "habitually disruptive" students be expelled from public schools.

Many students with emotional disabilities have disruptive behavior. Occasionally, a student with emotional disabilities engages in misconduct causing a "material and substantial disruption" and receives a resulting suspension. As previously noted, students with disabilities are subject to the same discipline as their non-disabled peers for up to 10 days of suspension in the school year. Sometimes a student's significant disruptions occur three or more times in the school year, thus triggering the expulsion requirement. Prior to the expulsion of a student with disabilities, IDEA requires that the student's misconduct be reexamined to ensure that it was not related to his/her disability. IDEA 300.523 (a) (2) states that "immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action (the expulsion) is made, a review must be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action." As discussed in Chapter 3 of this manual, this review is called the "manifestation determination review" and is conducted by the IEP staffing team. The team is responsible for examining the student's misconduct (in this case, the three significant disruptions) to determine if they were related to the child's disability. If the team determines that the misconduct and the disability are related, then the student may not be expelled. If the team determines that none of the three disruptions

were related to the disability and that the IEP was conferring "reasonable benefit", then the school may proceed with the expulsion hearing.

If a student has a DSM-IV or other medical diagnoses, does he/she automatically qualify for special education services?

The question of whether students automatically qualify for services when they have a DSM-IV or other medical diagnoses has often been raised. However, IDEA is very clear on this issue. The diagnosis of a disability, medical or psychological, does not automatically qualify a person for special education. The identification of a disabling condition must be accompanied by the identification of the need for special education in order for the student to "reasonably benefit" from education. This issue has been raised a great deal in the past few years as educators have struggled with the increasing number of students in school identified as having Attention Deficit Hyperactivity Disorder (ADHD). The Office of Special Education Programs (OSEP) specifically answered this question by noting that the identification of ADHD is not sufficient alone to establish eligibility—nor is a medical diagnosis required to determine eligibility for special education (OSERS 1991; OSEP 1992; and OSEP,1993). In order for a student to qualify for special education, he/she must meet the criteria for eligibility identified in IDEA and state law. All other diagnoses rendered in a setting other than educational may be considered in determining eligibility, but are not predictive of eligibility for special education.

Despite the fact that all students with medical or psychiatric diagnoses may not be eligible for special education, these same students may qualify for the protections of Section 504. As discussed in Chapter 3 of this manual, the criteria for being considered "handicapped" under Section 504 is much broader than IDEA (97). For example, a student with a DSM-IV diagnosis of Generalized Anxiety Disorder/School Phobia or Major Depression/Short-Term may not meet the criteria for special education services under IDEA due to the short-term nature of the disorders. However, they may still be entitled to certain protections under Section 504.

Should school mental health services be written into the IEP for students with emotional disabilities?

Many Colorado school districts engage in the practice of only identifying on the IEP the academic/educational needs, services, and personnel for students with emotional disabilities. This practice is inconsistent with IDEA (1997). In section 300.346 the IEP team is required to consider "special factors" which may be impeding the student's academic success. IDEA 300.346 (a) (2) (i) specifies that the IEP team shall "in the case of a child whose behavior impedes his/her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior." Further, IDEA 300.346 (2) (v) (c) states that "if, in considering the special factors

described in paragraph (a) (1) and (2) of this section, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team *must* include a statement to that effect in the child's IEP." These sections of IDEA clearly identify the need for appropriate services to be written into the IEP of students with emotional disabilities. Additionally, accompanying goals and objectives should be identified and monitored by school mental health professionals responsible for providing these services.

Should all students with emotional disabilities have a Behavior Intervention Plan?

Under IDEA, there is no blanket requirement that a student with an emotional disability be provided a behavior intervention plan. The absence of this requirement reflects the breadth and diversity of emotional disabilities. For example, students with externalizing behaviors might benefit from a specific behavior intervention plan designed to help manage these behaviors, while a student with an internalizing disorder may require a very different type of plan or treatment. IDEA requires that a student's unique needs be considered in determining the appropriate placement and services. Ultimately, these unique needs may call for a behavior intervention plan to be developed, implemented, and evaluated. If a student is in need of a behavior intervention plan, Colorado practitioners should consider CDE's recommended Behavior Support Plan and directions for completion of the plan.

In Colorado, any student who receives a suspension due to a significant disruption must be provided a remedial discipline plan. This applies both to disabled and non-disabled students. The Colorado Safe Schools Act reads that "no child shall be declared to be a habitually disruptive student prior to the development of a remedial discipline plan for the child that shall address the child's disruptive behavior, his/her educational needs, and the goal of keeping the child in school. The remedial discipline plan shall be developed after the first suspension for a material and substantial disruption and reviewed and modified after the second suspension." (CRS § 22-33-106 (1) (c.5) (IV)) The provisions of this statute result in the creation of many behavioral plans for students with emotional disabilities who engage in disruptive behavior. The guidelines for creating these remedial behavior plans are only briefly discussed in the law. Consequently, the SIED committee supports Colorado law stipulating that school administrators must create these plans and may seek support from school psychologists and special education personnel. Additionally, the committee believes that creating these plans in accordance with a functional assessment of behavior will result in the greatest success for the student.

Finally, the practice of creating these remedial discipline plans in accordance with a functional behavioral assessment will help school districts comply with IDEA when a student with a disability is subject to disciplinary action

resulting in either a long term suspension (more than 10 days) or expulsion. IDEA requires that if a Local Educational Agency has not conducted a functional behavioral assessment and implemented a behavior intervention plan for a child with disabilities before the occurrence of misconduct resulting in the removal of that student for a period constituting a "change of placement", then the school district must convene an IEP meeting and develop an assessment plan. (IDEA 300.520 (b) (1) (i)) Additionally, if a student with a disability is participating in a manifestation determination staffing, then the team must consider if "the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement." (IDEA 300.523 (b) (2) (i))

Are there Colorado standards that address social, emotional, or behavioral competencies?

While the Colorado Model Content Standards do not include standards for social emotional or behavioral expectations, the intent of standards-based education reform is to produce students who would become "productive members of the labor force (HB 93-1313)." In order to achieve these goals, several products have been developed that address the areas of social, emotional and behavioral competencies and can be incorporated into a variety of instructional programs.

First, a set of competencies has been identified to assist all students in understanding and being able to perform successfully in the workplace. These competencies reflect skills needed by individuals in any general workplace environment. *Colorado's Workplace Competencies (1997)* were collaboratively developed by the Colorado Department of Education, Colorado School-to-Career Partnership, and the Business Task Force sponsored by the Colorado Association of Commerce and Industry. The skills reflected in these competencies fall into five broad categories: communication skills, organizational skills, thinking skills, worker qualities and technology skills. (See the CDE web site: *www.cde.state.co.us/*)

A second set of competencies related to social, emotional or behavioral functioning is found in the handbook, *Opportunities for Success (1996)*. These competencies were identified specifically to ensure that students in special populations learned the essential skills and had the opportunities needed to succeed on the Colorado Model Content Standards. Essential Learnings were described both for students with SIED specifically and for all students in special populations generally. (See the CDE webpage: www.cde.state.co.us/)

The Colorado Workplace Competencies and the Opportunities for Success: General Principles of Essential Learnings have much in common. These competencies can be combined to describe the Access Skills that students need

to achieve in school, work, and life. They are the skills that frequently require direct instruction for students with disabilities and are described in goals and objectives on the IEP.

In addition, a set of services was defined in response to the Colorado Department of Education Regulations for the implementation of IDEA (1992). These regulations require that a "comprehensive delivery system" be available to students with disabilities including services in the areas of academics; developmental/compensatory skill development; and transition, life skill, and career development. Transition/life skill/career development services include "those services which are necessary to teach students to function independently or interdependently in current and future environments, including school, home, employment and the community." (1 CCR 301-8-2220-R-5.03 (4). (See Colorado's Recommended IEP form.)

Chapter 5: Tools and Strategies for the Identification and Eligibility of SIED

The Problem of Identifying and Serving Students with Emotional Disabilities

Doll (1996) reported that the prevalence of psychiatric disorders among school-aged students is between 18-22%. She also notes that the most common types of problems were anxiety disorders and behavioral disorders, and within secondary schools, depression and suicidal ideation were also common. From school district to school district there is tremendous variability in the way students are identified. There are districts which under-identify students—as well as those that over-identify students. According to the Colorado Department of Education data (December 1997) 10.5% of Colorado school children are students with disabilities, and 11.4% of disabled students are students with emotional disabilities.

It is recognized that the primary goal of the assessment of students with emotional disabilities "should be to identify student's needs and to assist in developing and implementing interventions, when they are warranted (National Association of School Psychologists, 1993). McConaughy and Ritter (1995) note that in order to accomplish these general goals, school based-assessments of SIED students need to serve several different purposes:

1. Help teachers better cope with behavior problems in regular education classrooms.
2. Help students improve their behavior and school performance.
3. Determine a student's eligibility for special education services.
4. Refer children (and perhaps families) for mental health services outside of the school setting. (p. 865-866)

The identification of students with emotional disabilities is a complex process requiring extensive collaboration by multidisciplinary professionals, and comprehensive review of a student's behavior, emotional development, and environment. Application of formal assessment involves collaborative examination of student behavior, social emotional responses, and needs.

The Assessment of Students with Emotional Disabilities

Section 300.532 of IDEA (1997) contains many specific guidelines for conducting assessments for the determination of eligibility for special education. These guidelines are summarized below:

1. Tests and other evaluation materials are selected and administered taking into account racial and cultural appropriateness.

2. Tests and other evaluation materials are provided and administered in the student's native language or other primary mode of communication unless it is clearly not feasible.

3. Tests and other evaluation procedures used with students with limited English proficiency are able to clearly differentiate the child's language ability from the presence, absence, and extent of a child's disability.

4. A variety of assessment tools and strategies are utilized to gather functional and developmental information about the student, including information from the student's parents, and the student's ability to progress in the general education curriculum, classroom, and school activities.

5. All standardized tests need to:
   - ✓ Be valid and reliable for the specific purpose.
   - ✓ Be administered by trained and knowledgeable personnel in accordance with the instructions provided by the test producers.

6. Any alterations for the standardized administration procedures for a test (i.e. including the method of administering the test, qualifications of the examiner, etc.) must be included in the evaluation report.

7. Tests and other evaluation materials should assess specific areas of need, not just provide a single general intelligence quotient.

8. If tests are selected and administered to a child with impaired sensory abilities, the results accurately reflect the student's achievement and ability rather than the impaired sensory skills.

9. No single procedure is utilized as the sole criterion for determining eligibility or a child's appropriate educational program.

10. The child is assessed in all areas related to the suspected disability including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

11. The evaluation is sufficiently comprehensive to identify all of the student's special education and related services needs.

12. The public agency uses only technically sound instruments in assessing cognitive, behavior, physical, and developmental factors.

13. The public agency uses assessment tools and strategies that provide relevant information to assist persons in determining the educational needs of the student.

The assessment of students with emotional disabilities has generally been conducted using two approaches: categorical systems and quantitative taxonomies. (McConaughy and Ritter, 1995). The categorical system approach applies to the notion that disorders and their symptomology are either present or absent. When a person has a set of symptoms, he/she is considered to have the disorder. When he/she does not have the symptoms, he/she is considered not to have the disorder. The Diagnostic and Statistical Manual of Mental Disorders, 4th edition (DSM-IV) (1994) is an example of the most widely used categorical system for the identification of psychological disorders. Many researchers have questioned the practical application of the DSM-IV to the identification of students eligible for special education (Gresham & Gansle, 1992; Sinclair & Forness, 1988). In quantitative taxonomies, the degree in which the person is experiencing the symptoms is also considered. Generally, quantitative taxonomies utilize rating scales or other gradients that permit the frequency, duration, and intensity of a symptom to be considered.

Although IDEA does not specify the use of categorical systems or quantitative taxonomies, it does suggest that all assessment measures used be "valid and reliable." It also suggests that practitioners utilize measures specifically designed for the purpose for which they are used. The SIED committee recommends that practitioners utilize a variety of methods in conducting assessments of students with emotional disabilities, with special emphasis on using standardized tools designed as empirically-based quantitative taxonomies. Therefore, the presence or absence of a DSM-IV classification is not necessary in determining SIED eligibility.

A. Roles and responsibilities of school personnel in gathering assessment data.

The first step in the identification of students with emotional disabilities is identifying the role and responsibilities of school personnel in gathering the assessment data used in making the determination of eligibility. The following are guidelines for the roles and responsibilities of the IEP staffing team:

NOTE: It is assumed that the professionals listed in this section have successfully completed all coursework and supervised practical training requirements specified in the Colorado Licensing Standards for the role and function that they are performing. School district employees or private providers not meeting these standards should not engage in the assessment or provision of services in which they are not qualified. It is the responsibility of the Special Education Director to ensure that only appropriately qualified professionals are working with students in Colorado public school districts.

Student

1. Remain accessible for participation in assessment process through regular school attendance and adherence to the evaluation schedule.
2. Participate in the assessment process and give best effort.
3. Contribute personal reflections, explanation, and interpretations as able.
4. Cooperate and work collaboratively with all IEP team members.
5. Interact with all IEP team members with dignity and respect.

Parent

1. Participate in the assessment process.
2. Participate in the implementation of home-school collaborative interventions and services.
3. Report student progress at home and in the community.
4. Ask questions for clarification.
5. Contribute personal reflections, explanations and interpretations as able.
6. Work cooperatively and collaboratively with IEP team members.
7. Interact with all IEP team members with dignity and respect.

Special Education Teacher

1. Conduct an individually administered assessment of academic achievement through the use of standardized assessment or curriculum based assessment.
2. Interpret assessment findings in conjunction with current academic and classroom progress.
3. Participate in conducting a functional behavioral assessment.
4. Utilize valid and reliable formal and informal measures providing observable and measurable data.
5. Contribute professional reflections, explanations and interpretations.
6. Work cooperatively and collaboratively with IEP team members.
7. Interact with all IEP team members with dignity and respect.
8. Assist in the design of behavior intervention and/or support plans.

General Education Teacher

1. Review and report current academic progress and classroom performance.
2. Participate in the completion of assessment as needed.
3. Provide a record of interventions attempted and their effectiveness.
4. Contribute professional reflections, explanations and interpretations.
5. Work collaboratively with IEP team members.
6. Interact with all IEP team members with dignity and respect.

School Psychologist

1. Conduct an individually administered assessment of cognitive functioning including the relationship of the student's cognition and reasoning to his/her learning and development.
2. Conduct an individually administered assessment of social, emotional and behavioral functioning relative to the school, home and community environments.
3. Interview parents to determine family, educational, social and health history (as needed). Integrate parental reports into assessment interpretations.
4. Utilize valid and reliable formal and informal measures providing observable and measurable data.
5. Participate in conducting a functional behavioral assessment.
6. Contribute professional reflections, explanations and interpretations.
7. Work cooperatively and collaboratively with IEP team members.
8. Assist in the design of behavior intervention and/or support plans.
9. Interact with all IEP team members with dignity and respect.

School Social Worker

1. Participate in the assessment of social, emotional and behavioral functioning relative to the school, home and community environments.
2. Conduct home visits when appropriate.
3. Interview parents to determine family, educational, social and health history (as needed). Integrate parental reports into assessment interpretations.
4. Utilize valid and reliable formal and informal measures providing observable and measurable data.
5. Participate in conducting a functional behavioral assessment.
6. Contribute professional reflections, explanations and interpretations.
7. Work cooperatively and collaboratively with IEP team members.
8. Interact with all IEP team members with dignity and respect.

School Counselor

1. Provide an overview of student academic progress and classroom performance.
2. Summarize the student's progress towards graduation (when appropriate).
3. Report the opinions of classroom teachers in absentia (if appropriate).
4. Provide a record of interventions attempted and their effectiveness.
5. Contribute professional reflections, explanations and interpretations.
6. Work cooperatively and collaboratively with IEP team members.
7. Interact with all IEP team members with dignity and respect.

School Administrator

1. Provide and review student discipline record.
2. Provide a record of disciplinary interventions attempted and their effectiveness.
3. Assist in the facilitation of a productive staffing.
4. Ensure legal and procedural compliance.
5. Contribute professional reflections, explanations and interpretations.
6. Work cooperatively and collaboratively with IEP team members.
7. Interact with all IEP team members with dignity and respect.

Other Related Service Providers: School Nurse, OT, PT, Vision, Hearing Specialists as needed

1. Provide an assessment of overall physical health, sensory development, motor development, and medications.
2. Interpret the implications of any existing conditions, developmental delays, or medications on the social, emotional, or behavioral development of the student.
3. Participate in the gathering of health and medical history as appropriate.
4. Contribute professional reflections, explanations and interpretations.
5. Work cooperatively and collaboratively with IEP team members.
6. Interact with all IEP team members with dignity and respect.

B. Functional Behavioral Assessment and Outcome Analysis

Mark, a student at the local high school, wants to miss school on Friday so that he can meet his friends at the mall for some serious skateboarding and hanging out. He knows that he can not "skip" school because his parents will ground him and take away his skateboard. He decides that the key to making his Friday rendezvous with his friends is to do something that gets him suspended from school. Since his parents both work, he can take off from home during his suspension and if his parents call home, he can just say he was sleeping and that's why he didn't answer the phone. On Thursday, he spots a hall monitor near the boys bathroom during passing period. He knows the monitor always checks the bathroom before returning to class. Mark heads into the bathroom shortly before the bell rings, pulls out a cigarette and lights up. As the hall monitor enters the bathroom, Mark hurriedly puts the cigarette out. The hall monitor informs Mark that he's "busted" and escorts him to the Principal's office. The Principal informs Mark that according to school policy, any student caught smoking on school grounds is subject to a one day suspension. Mark feigns disappointment and "grudgingly" accepts his Friday one-day suspension. He smiles to himself as he exits the Principal's office.

Problem behaviors that are manifested as a result of a student's emotional disability often create tension and challenges for classroom teachers, administrators, and parents. Functional assessment and outcome analysis involves careful examination of the functions or outcomes of undesirable behaviors as they occur within a specific context. The foundation of approaches such as functional assessment and outcome analysis is that all behavior is adaptive, purposeful, and functional (Macht, 1990). Undesirable behaviors occur because they "work" for the person. Behaviors that don't work do not remain in the behavioral repertoire of the person. When we consider our case study of Mark above, we immediately can see how his behavior of smoking in the bathroom was "working" for him.

Functional Analysis is founded on the belief that repeated behaviors serve a function for the individual. According to this theory, behaviors serve two broad functions: to obtain something desirable, or to avoid something undesirable. (Oneill, et.al. 1990) Functional assessment is the process used to determine what these functions may be and how behavior planning can respond appropriately. Oneill, et. al. (1990) identifies a 4-step process for functional assessment:

Step 1: Functional Analysis Interview. Step one involves interviewing 1-2 people who have daily contact with the child (i.e. teacher or parent) and the child, if appropriate. This process should yield a description of the undesirable behavior, identification of physical and environmental factors that may predict the occurrence of the undesirable behavior, and a set of hypotheses for what the functions of the undesirable behavior may be.

Step 2: Direct Observation. Step two involves engaging in the direct observation of the undesired behaviors identified. Behaviors are to be observed in their natural setting. The potential functions of behavior, possible ecological factors interacting with the behavior, and the frequency, intensity, and duration of the behaviors are all critical to ascertain.

Step 3:Testing Hypotheses. Step three is usually only utilized in school settings when clear behavioral patterns are not observed in Step 2. At this step, practitioners present and change specific stimuli and settings to test hypotheses about the function of behavior. The purpose is to observe the student to see if any patterns of behavior exist when greater control is placed on the environment.

Step 4: Developing Positive Behavioral Intervention Plans. Step four involves planning for, and responding to, the student's needs and desires underlying the functions so that undesirable behaviors may be reduced, replaced or extinguished. Oneill, et. al. (1990) suggests that appropriate responses to behavior based upon a functional assessment may include:

(a) structuring the environment to avoid setting off problem behaviors; (b) dealing with any medical/physical issues that impact behavior; (c) providing a rich schedule of preferred activities with positive outcomes; and (d) providing instruction and skills where deficits may occur.

A variety of formal and informal assessment tools are available to assist practitioners in completing a Functional Behavioral Assessment. Practitioners should review Appendix A that contains a copy of CDE's Functional Assessment Tools, Purposes, and Uses.

Outcome Analysis is very similar to functional analysis in that it also suggests that behavior reflects a purpose and function. Within Outcome Analysis, "behavior problems are diagnostic of the student's goal or intent at any given point in time. We call this desired goal 'behavioral intent.' When students act, even demonstrating behaviors that we view as disordered, they act for a purpose. Behavioral intent refers to the purpose sought by the student as inferred from analyzing a series of overt behaviors in various situations." (p. 33, Neel & Cessna) Outcome analysis involves the careful examination of a student's behavioral intent. Wahler & Dumas (1986) identified several behavioral intents as summarized in Table 2.

Through the use of Functional Assessment or Outcome Analysis, appropriate behavioral plans can be designed for students with emotional disabilities. Practitioners and parents can adjust their responses to students so that undesired behavior is reduced, eliminated, and/or replaced with desirable behavior. For more information about the Colorado Department of Education's recommended practices in relation to functional assessment, users of this guidebook are referred to CDE's Functional Assessment CD-Rom.

C. Review of Records

Student records contain extensive information pertaining to the history of an emotional or behavioral problem. The student's educational records should be reviewed when determining eligibility for special education. The following records may be helpful in understanding the history and nature of a student's problems:

- Cumulative Records: Cumulative records typically include student enrollment materials, residency documents, history of school attendance, student performance on group-administered academic assessments; and student grade reports.
- Attendance Records
- Discipline Records
- Transportation Records
- Teacher Logs and Records of Academic Progress
- Health Records
- Past or Present Special Education Records

Table 2: Possible Outcome Guide

Outcome	Description
Power/Control	When child's outcome is the control of events and/or situations. Characterized by child acting to stay in situation and keep control.
Protection/Escape/Avoidance	When child's outcome is to avoid a task, activity; escape a consequence; terminate or leave a situation.
Attention	When a child becomes the focus of a situation; draws attention to self; result is that the child puts himself/herself in the foreground of a situation; discriminates self from group for a period of time; distinguishing feature is "becoming the focus" as the end product of the behavior.
Acceptance/Affiliation	When a child connects/relates with others; mutuality of benefit is present.
Expression of Self	When a child develops a forum of expression; could be statements of needs or perceptions, or demonstration of skills and talents.
Gratification	When a child is self-rewarded or pleased; distinguishing characteristic is that reward is self-determined; others may play agent role.
Justice/Revenge	When a child settles a difference; provides restitution, or demonstrates contrition; settling the score.

Reference: *Neel, R. S. and Cessna, K. K. (1993) Behavioral Intent: Instructional Content for Students with Behavior Disorders. In K. Cessna, (ed.), Instructionally differentiated Programming: A needs based approach for students with behavior disorders, Denver: Colorado Department of Education.*

These records should be examined searching for patterns of student performance. Students with emotional disabilities often have problems with academics, social relationships, attendance, and/or behavior. By examining these records, practitioners can get a feel for how long a problem has been present; whether the student's problems appear to have been triggered by specific events or culminating events; the settings in which students have the most difficulty and the most success; and the pervasiveness of problems the student is experiencing.

D. Student, Parent, and Teacher Interviews and Self-Report Methods

Interviews and self-report methods have long been used to ascertain information about the relationship between emotional conditions and the presence of undesirable behaviors. Although critics argue that interviews and self-report methods can suffer from poor reliability and validity, this concern is easily addressed by using these methods only as a supplement to more valid and reliable measures. Further, researchers have articulated 6 primary advantages to interview methods:

1. The interview is a flexible system of obtaining data in that it can be used to gather both general and detailed information.
2. Variations in a student's verbal and nonverbal behavior can be examined in response to the examiner's questions.
3. The interview supports the development of a relationship between the examiner and student. This can be beneficial for future interactions between the examiner and student.
4. The interview can permit greater confidentiality than paper-pencil methods and direct observation.
5. The interview method can assist in gathering data when other means may be more difficult due to the severity of a student's disability.
6. The interview permits the ongoing tailoring of questions to "fit" the specific concerns involved in the referral and the responses of the individual. (Linehan, 1977; Kratochwill, Sheridan, Calson, and Lasecki; 1999)

Generally, interview and self-report tools are considered informal assessment methods. Practitioners using these methods frequently utilize unstructured approaches, tools developed only for research purposes, or informal information gathering devices. Trained practitioners may choose to utilize these methods by conducting a comprehensive health and social-emotional history examining family dynamics, history of familial emotional or behavioral problems, educational history, developmental and medical history, peer and family relationships, etc. Practitioners utilizing informal interviews need to be sensitive to family privacy issues and focus their questions to those that are necessary for diagnostic purposes.

However, not all interview and self-report methods are this informal. Some tools have been developed with a specific structure or purpose in mind.

Additionally, there are many published and unpublished interview and self-report methods. A few commonly utilized methods include, but are not limited to, the following:

Interview Assessment Tools:

- Child Assessment Schedule (CAS) (Hodges, McKnew, & Cytryn, 1982)
- Diagnostic Interview for Children and Adolescents-Revised (Reich & Welner, 1989)
- Semistructured Clinical Interview for Children and Adolescents (SCICA) (McConaughy & Achenbach, 1994)
- Structured Developmental Interview of the Behavioral Assessment System for Children (Reynolds & Kamphaus, 1992)
- The National Institute of Mental Health Diagnostic Interview Schedule for Children (DISC) (Fisher, Wicks, Shaffer, Piacentini, & Lapkin, 1992)
- Colorado Client Assessment Record (Colorado Department of Health, 1997)

Self-Report Assessment Tools:

- Children's Depression Inventory (CDI) (Kovacs, 1991)
- Reynolds Adolescent Depression Scale (RADS) (Reynolds, 1986)
- Reynolds Child Depression Scale (RCDS) (Reynolds, 1989)
- Self-Report of Personality (SRP) of the Behavioral Assessment System for Children (Reynolds & Kamphaus, 1992)
- Social Skills Rating Scale (Gresham & Elliott, 1990)
- Youth Self Report (Achenbach,1991)

E. Behavioral Observations

There is no substitution for direct observation of the emotional indicators of a student. Through direct observation of behavior the system dynamics that may be contributing to the presence or absence of certain behaviors can be evaluated. Social cognitive theory asserts that people "are neither driven by inner forces nor automatically shaped and controlled by external stimuli. Rather,

human functioning is explained in terms of a model of "triadic reciprocality" in which behavior, cognitive and other personal factors, and environmental events all operate as determinants of each other." (p. 18) Merrel (1994) summarizes the notion of "triadic reciprocity" when he says, " this view contends that behavior, environmental influences, and various personal factors (such as cognition, temperament, and biology) all work together in an interactive manner and have the effect of determining one another." (p.9) Through observation a practitioner can examine the relationships between these influences in order to generate hypotheses about the nature of behavior, as well as, appropriate treatment and programming protocols.

Additionally, behavioral observations provide anecdotal data about the frequency, intensity, and duration of behavior. The level of a student's behavior can be informally compared to peers in order to assess the "typical" nature of the response. Formal and informal observational methods can be utilized to determine the actual rates that emotional symptomology represented in behavioral indicators is occurring. The student's performance levels can be used both for eligibility purposes and benchmarks to evaluate the success of program interventions.

Informal methods of direct behavioral observation may involve conducting several short-term live observations where an objective observer records the presence/absence of a behavior or it may involve the review of records maintained by the classroom teacher or parent pertaining to a behavior. Many types of informal observation methods are available including, but not limited to, the following:

- Narrative recordings: This is a written record of behavior in progress. It is a scripting of behavior as it occurs.
- Duration recording: This system records the length of time that a behavior lasts from the beginning of the behavior to its end.
- Frequency recording: This approach records the number of times a discrete behavior occurs during a specified time period.
- Intensity recording: This records the intensity of a behavior on a Likert-style of scale. Usually intensity ratings range from mild to severe. Scales of this type tend to be more objective if specific criteria accompanies each rating point.
- Time-Interval sampling: This approach records the presence or absence of behavior within specified time intervals. It can also record the amount of time that elapses between behaviors.
- Permanent Product Recordings: This approach records the overall outcome or products of behavior (i.e. number of questions answered, etc.)

Formal methods of behavioral observation might include the use of structured or standardized behavioral observation forms. Typically these observations are

conducted by trained observers and depend heavily upon the accuracy of examiners. Three examples of these systems include:

- Behavior Assessment System for Children: Structured Behavioral Observation System (Reynolds and Kamphaus, 1992)
- Child Behavior Checklist: Direct Observation Form (Achenbach, 1986)
- Systematic Screening for Behavior Disorders Observation Procedures (Walker & Severson, 1992)

F. Other Assessment Tools and Procedures

A variety of standardized assessment tools may be utilized in conducting an assessment of a student with emotional disabilities. As previously stated, the SIED Committee encourages practitioners to utilize empirically-based quantitative taxonomies when establishing the "significance" of behaviors that represent the internalizing or externalizing emotional indicators. Merell (1994) suggests the following "Best Practices" when using behavior rating scales for the purpose of identifying students with emotional disabilities:

1. Utilize behavior rating scales as early screening and prevention efforts.
2. Utilize a variety of sources in order to reduce response bias and variance problems in assessment.
3. Utilize behavior rating scales to assess the progress and success of interventions.

The following tools are identified in McConaughy and Ritter (1995) as being "Best Practices" for school psychologists conducting assessments of students with emotional disabilities:

- Behavior Assessment System for Children (BASC) (Reynolds and Kamphaus, 1992)
- Behavior Evaluation Scale-2 (BES-2) (McCarney & Leigh, 1990)
- Child Behavior Checklist (CBCL) (Achenbach, 1991)
- Revised Behavior Problem Checklist (RBPC) (Quay & Peterson, 1987)
- Teacher's Report Form (TRF) (Achenbach, 1991)
- Walker Problem Behavior Identification Checklist (WPBIC) (Walker, 1983)
- Youth Self-Report (YSR) (Achenbach, 1991)

This list is not meant to be an exhaustive or restrictive list. These tools reflect an emphasis on broad-based assessment methods. Practitioners may also find assessment tools that focus on specific symptomology (i.e. anxiety, depression, etc.) as helpful. Only a trained professional should conduct the selection, use, and interpretation of these symptom-specific measures. Further, it is the opinion of the SIED Committee that subjective assessment tools, including projective assessment measures, should only be used in combination with objective valid and reliable assessment measures. Additionally, new assessment tools and research regarding the appropriate use of various scales are continually emerging. School psychologists and other practitioners involved in selecting assessment tools and methods need to remain familiar with the professional practices recommended in the research.

Utilizing the SIED Worksheet for Determining Eligibility

This guidebook contains Table 3: *Eligibility Determination Worksheet: SIED* that can be used by practitioners. This worksheet walks practitioners through the eligibility criteria that must be met in identifying students with emotional disabilities. The assessment guidelines, procedures, and tools suggested in the section prior to this one should be used as "evidence" for the presence or absence of behavioral indicators. This section will explain the rationale for each portion of the worksheet.

This worksheet was developed combining the existing state definitions with the standards of practice articulated in this guidebook. This worksheet follows the language and the sequence of decision-making used in the actual rules. A significant addition to this worksheet is the "as evidenced by" category. This section is added to emphasize the need for accountability and for IEP staffing teams to utilize thoughtful, data-based decision-making in determining a student's eligibility for special services.

A. Identifying Information

The process of accurately identifying a student with disabilities requires careful documentation of the student's identity. At a minimum a worksheet of this type should contain a student's name, date of birth, meeting date, parents/guardians names, grade in school, and school of attendance.

B. Eligibility Criteria

The first part of this section defines a student with a Significant Identifiable Emotional Disability according to Colorado Regulations. It clarifies that a student is only eligible for services if the presence of the emotional disability "prevents the student from receiving reasonable educational benefit from general education." Clearly a student with an

Table 3: Eligibility Determination Worksheet: Significant Identifiable Emotional Disability

Student Name: _____ Date of Birth: _____ Meeting Date: _____
Parents/Guardian: _____ Grade: _____ School: _____

Eligibility Criteria: ***A student with a Significant Identifiable Emotional Disability has emotional and social functioning which prevents the student from receiving reasonable educational benefit from general education. To qualify for special services, students must fulfill the criteria identified in sections I, II and III. A student's qualification for each of these criteria must be supported by observable and measurable assessment data.***

I. **Emotional or social functioning shall mean one or more of the following:**

NOTE: In order for a student to qualify for one or more of these indicators, evidence must be provided that the student's responses are significantly different than what is normally expected for children or youth of their age and developmental level. Evidence must include objective evaluation data of student performance.

❑ Exhibits pervasive sad affect, depression, and feelings of worthlessness; cries suddenly or frequently	As evidenced by:
❑ Displays unexpected and atypical affect for the situation	As evidenced by:
❑ Exhibits excessive fear and anxiety	As evidenced by:
❑ Makes persistent physical complaints not due to a medical condition	As evidenced by:
❑ Exhibits withdrawal, avoidance of social interaction, and/or lack of personal care to an extent that maintenance of satisfactory interpersonal relationships is prevented	As evidenced by:
❑ Is out of touch with reality; has auditory and visual hallucinations, thought disorders, disorientation, or delusions	As evidenced by:
❑ Is unable to get mind off certain thoughts or ideas; cannot keep self from engaging in repetitive and or useless actions	As evidenced by:
❑ Displays consistent pattern of aggression toward objects or persons to an extent that development or maintenance of satisfactory relationships is prevented	As evidenced by:
❑ Demonstrates pervasive oppositional, defiant, or non-compliant responses	As evidenced by:
❑ Demonstrates significantly limited self control, including an impaired ability to pay attention	As evidenced by:
❑ Exhibits persistent pattern of stealing, lying, or cheating	As evidenced by:
❑ Exhibits persistent patterns of bizarre and/or exaggerated behavior reactions to routine environments	As evidenced by:

II. **One or both of these characteristics shall be present. Check the appropriate boxes and provide the appropriate data**

❑ ***Academic Functioning:*** An inability to receive reasonable educational benefit from regular education which is not primarily the result of intellectual, sensory, or other health factors, but due to the identified emotional condition.	As evidenced by: (Check all that apply) ❑ Failing grades. List failed classes & grades: _____ ❑ Significantly below expectancies for academic achievement. Discrepancy is attributable to an emotional condition, not a learning disability. Achievement areas and standard scores: _____ ❑ Chronic unexcused absences. List attendance rate: # of Days of Unexcused Absence_____ Days of School _____ ❑ Other: _____
❑ ***Social Emotional Functioning:*** A inability to build or maintain interpersonal relationships which significantly interferes with the student's social development. Social development involves those adaptive behaviors and social skills that enable a student to meet the environmental demands and assume responsibility for their own and other's welfare.	As evidenced by: ❑ Assessment procedures & testing results. Detail all formal assessment: _____ ❑ Observation. Explain:_____ ❑ Discipline & Cumulative Records: _____ ❑ Parent Report. Explain:_____ ❑ Self-Report: _____ ❑ Other: _____

III. **All four of the following qualifiers shall be documented for either of the above characteristics demonstrated.**
NOTE: The first qualifier may not be applicable in the case of court ordered placements, triennial reviews, and identification of children ages 5 and younger.

❑ A variety of instructional and or behavioral interventions were implemented within regular education, and the child remains unable to receive reasonable educational benefit from regular education, or his/her presence continues to be detrimental to the education of others.	As evidenced by: 1. An intervention plan was completed? Yes No Type of Plan: ? instructional ? behavioral ? both 2. Components of the intervention plan included: 3. Effectiveness of the intervention plan:
❑ Indicators of social emotional dysfunction exist to a marked degree, that is, at a rate and intensity above the student's peers and outside of his/her ethnic and cultural norms and outside the range of normal developmental expectations.	As evidenced by:
❑ Indicators of social/emotional dysfunction are pervasive and are observable in at least two different settings within the student's environment, one of which must be school.	As evidenced in the following settings: ❑ School. Explain: _____ ❑ Home. Explain: _____ ❑ Community. Explain: _____
❑ Indicators of social/emotional dysfunction have existed for a period of time and are not isolated incidents or transient situational responses to the student's environment.	• Determined length of time the dysfunction has been present: _____ years _____ months • Is it likely that the dysfunction is attributable to an isolated incident or transitional response? YES or NO

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emotional disability that is able to demonstrate that he/she is benefiting from general education is not eligible for special education. This must be determined by the IEP staffing committee and must be based upon objective information and assessment data. (Note: See Chapter 4 of this guidebook for more information about "reasonable educational benefit".)

The second part of this section notes that SIED eligibility for special services may only be determined when the criteria in Sections I, II and III of the worksheet are sufficiently met. Further it reinforces the requirement that this qualification be based upon observable and measurable assessment data. Students may not be determined to be eligible for SIED services if there is an absence of objective and formal assessment data and supporting information. For example, it is inappropriate for an assessment team to base their determination of eligibility exclusively on a practitioner's "intuition" and "experience". Although this intuition and experience would certainly be important in interpreting objective and formal assessment data, it is the opinion of this committee that when used in isolation they do not meet the requirement for "valid and reliable assessment measures."

C. Section I: Emotional and Social Indicators

The first task in identifying a student with emotional disabilities requires the documentation of specific social or emotional indicators. To meet the requirement of this section, only one of the 12 emotional or social indicators must be present. This category must be supported by objective assessment data and must be considered "clinically significant." In general, most standardized assessment tools consider significance levels to be 2 standard deviations above or below the mean. For example, most tools designed with a T-score Mean of 50 and standard deviation of 10, suggest that to be "clinically significant" a T-score must be above 70 or below 30. However, practitioners need to carefully review the publishers manual for all assessment tools utilized in determining the presence/absence of these indicators, and strictly adhere to the interpretation standards outlined in the manuals.

D. Section II: Impaired Academic or Social-Emotional Functioning

The regulations pertaining to SIED qualification require that the disabling condition must significantly impair academic and/or social-emotional functioning. This section details what each of these functioning areas refers to and provides a space where the evidence for this determination may be recorded.

The first of these functioning areas refers to "impaired academic functioning". This has commonly been seen as equivalent to the federal

law language that requires "adverse affect on educational performance." (See Chapter 4 for a discussion on this topic.) As discussed previously, impairment to academic functioning may be evidenced by significant discrepancies between intellectual and academic achievement functioning not attributable to the presence of a learning disability; inconsistent academic achievement as evidenced by formal assessment data and student grades; and/or chronic absences (attributable to the emotional disability) resulting in significant loss of benefit from education. Additionally, an IEP team may determine other grounds upon which to base their decision of impairment to academic functioning. As long as the team can provide objective evidence of this impairment, it may be used as a rationale.

The second functioning area refers to impaired social-emotional functioning. This area suggests that a student's inability to develop interpersonal relationships with others may also result in a student's loss of reasonable benefit from education. This may be evidenced by formal assessment data, objective observation records, discipline & cumulative educational records, parental reports, and/or other evidence determined by the IEP team. The key to determining impairment in this area is the impact that the student's poor social emotional functioning has on learning. Many students have developmentally undesirable social-emotional skills, however, they continue to receive reasonable benefit from regular education and don't require special education.

E. Section III: The Four Required Qualifiers

The SIED regulations require that documentation of <u>all</u> four specific qualifiers be present. These qualifiers include:

(1) ***A variety of instructional and/or behavioral interventions were implemented within regular education, and the child remains unable to receive reasonable benefit, or his/her presence continues to be detrimental to the education of others.*** This statement suggests that prior to evaluating a student for special education services, school personnel have the responsibility of ensuring that both instructional and behavioral interventions have been attempted and evaluated in the regular education environment. The IDEA (1997) further suggests that these interventions should be designed in accordance with a "functional behavioral assessment". The SIED committee recommends that all interventions and behavior support plans be developed in accordance with a functional behavioral assessment. Further, this qualifier implies the need for schools to regularly evaluate student progress through pre-referral intervention programs, and through these programs, utilize remedial academic and behavioral plans for students prior to their referral to special education.

(2) ***Indicators of social-emotional dysfunction exist to a marked degree; that is, at a rate and intensity above the student's peers and outside of his/her ethnic and cultural norms and outside the range of normal developmental expectations.*** Following traumatic or transitional events, it is not uncommon for students to develop behaviors associated with emotional disabilities. This qualifier is designed to prevent students who are experiencing acute undesirable behaviors (as a result of a difficult situation such as excessive sadness over the death of a family member, distractibility following a family move to a new school, aggressiveness following a parental separation, etc.) from having those behaviors considered as evidence of an emotional disability. Additionally, this qualifier protects students who have ethnic or cultural responses that mimic undesirable behaviors from being identified as having a disability. It is the opinion of the SIED committee that a "marked degree" should represent a "rate and intensity" consistent with tests publisher's guidelines for "clinically significant" levels of functioning. In all cases, careful interpretation of clinically significant behaviors should involve the examination of any triggering conditions and the recency of the triggering event(s). For example, excessive crying, lethargy, sleep disturbances, and poor appetite may be considered "normal" grief responses following the recent death of a parent, regardless of the clinical significance of those behaviors. Additionally it should be noted that in the absence of culturally appropriate assessment tools, practitioners need to carefully interpret assessment data by ascertaining a level of "normal" response for that ethnic or cultural group and the degree in which the individual is immersed in that group, and then compare the student's rate of response to that level.

(3) ***Indicators of social/emotional dysfunction are pervasive and observable in at least two settings, one of which must be school.*** In Section III of this worksheet lists12 categories of social-emotional functioning. It is first important to determine if each identified behavioral indicator is "pervasive." This term is a construct and is not clearly defined in the law or regulations. It is the opinion of the SIED Committee that to be considered "pervasive", the frequency, intensity, and duration of the behavior must be outside of average developmental and cultural expectancies as determined through objective assessment methods. Additionally, the pervasive presence of at least one of these indicators in school and one other setting (either home or community) must be documented to meet this qualifier. In the event that a behavior is only observable in one of these settings, it is the opinion of the SIED committee that factors outside of a true "disability" are likely to be supporting the presence of the behavior. In this case, practitioners and parents should examine conditions within

the setting that may be contributing to the presence of the undesirable behaviors. Contributing conditions may include, but are not limited to, inconsistent disciplinary methods, personality conflicts, peer dynamics, vague expectations or goals, and/or ineffective teaching strategies.

(4) ***Indicators of social/emotional dysfunction have existed for a period of time and are not isolated incidents or transient situational responses in the student's environment.*** Again, this qualifier refers to the 12 social/emotional indicators listed in Section I of this worksheet. Although no specific period of time is offered in the federal regulations, most states define "long period of time" as 2-9 months (Schrag Letter, EHLR 213:247, 249 (OSEP, 1989). The important part of this is to keep in mind that the presence of these social/emotional indicators may not be attributable to a transitional response, but instead, must be attributable to a chronic and pervasive emotional condition as identified in Section III, Qualifier 2 of this worksheet.

Appendix B contains a completed example of the Eligibility Determination Worksheet.

Chapter 6: Linking Assessment Data to Instructional and Positive Behavioral Supports

Editors Note: In 1987, the Colorado Department of Education published the "Guideline Handbook for Educational and Related Services for SIEBD Students" (Benson, Cessna, and Borock, 1987). This guidebook contained comprehensive information on the appropriate design of services and programs for students with emotional disabilities. Much of the information contained in Chapter 6 of this guidebook, is in part based on the recommendations presented in the 1987 handbook. Our sincere thanks to the 1987 committee members for their contribution to this manual.

Focusing on Student Needs

A major key to providing the appropriate scope and intensity of educational services for each student with emotional disabilities is a concerted focusing of services on each student's individual needs. To accomplish this goal, it is critical that the pre-referral, referral, assessment, staffing, and placement process result in thoroughly identifying and prioritizing each student's special education needs as well as a plan of action for meeting these needs. To accomplish this goal, the Colorado Department of Education developed the Colorado Process Model to provide a structure for school districts to follow in identifying students with disabilities and providing them with special education services.

One of the keys to designing appropriate services for students with SIED is a thorough identification of the student's social-emotional and classroom management needs. Identifying these needs helps all staff and service providers target their efforts toward primary student needs. In other words, such an identification and focus on the student's individual needs provides the targets (goals) for service efforts. Examples of "social emotional" needs which have been identified for students with emotional disabilities include:

- The need to trust others
- The need to feel self-worth
- The need to utilize appropriate behaviors in varied environments
- The need to control impulses
- The need to interact appropriately with peers and adults
- The need to act responsibly
- The need to predict the consequences of actions
- The need to feel empathy for others
- The need to cope with stress
- The need to develop an accurate reality orientation
- The need to express emotions appropriately

- The need to accept one's own strengths and weaknesses
- The need to communicate appropriately
- The need to control anxiety

Examples of "classroom management" needs have included:

- The need to include the student in planning and evaluating his/her program
- The need for functional assessment of behaviors
- The need for clear behavioral rules and consequences
- The need for consistency and predictability
- The need for developmentally appropriate behavioral expectations
- The need for classroom structure
- The need for controlled group interaction
- The need for encouragement from others
- The need for immediate behavioral feedback
- The need for positive reinforcement

These examples do not preclude the importance of other types of specific needs not identified in these lists. Examples are mentioned because they are usually the focus of primary concern for the student and consequently the focus of major programming efforts.

The Colorado Process model embodies an identification and placement procedure that meets due process mandates but more importantly emphasizes the student's individual needs. The process focuses on the individual student, identification of his/her needs, and the assignment of appropriate special education services to meet those needs.

In order for students with disabilities to be successful in the classroom, assessment data collected in the eligibility determination process must be utilized in the design, implementation, and evaluation of positive behavioral supports. When social, emotional, or behavioral needs are identified in order for a student to reasonably benefit from education, it is critical that the student's IEP clearly identify appropriate goals and objectives, that student programming be tailored to meet those needs, and that progress be regularly evaluated to demonstrate student growth.

A. Programming Considerations

In order for students with emotional disabilities to be successful in school, comprehensive program plans must be designed and implemented according to the individual needs of students, not according to traditions, specific theories or a single approach. Programs should seek to teach students how to gain internal control over their behavioral responses and emotions. The Colorado Department of Education identifies six major program components as being essential in order

for students to transition from external to internal control, and to benefit from their academic and social instruction. These are gleaned from a variety of models and practices and filter the common elements of all these approaches into a few essential program components. Within these essential components, strategies can be developed and put together into a total program that can be appropriately delivered to the student in a truly individualized way. They include:

- Environmental Management
- Behavior Management
- Academics
- Career/Life Skills/Transitions
- Affective Education
- Counseling

If these six program components are included in the educational program for the student with emotional disabilities, the cognitive, affective, and psychomotor domains are all addressed. This occurs because these components embody not only the necessary educational pieces but also the various psychological and sociological pieces necessary for successful programs. The model depicts how successful programming is developed by assuring that environmental and behavioral supports are in place, allowing the student to access both the academic and social instructional components. Additionally, the model allows different components to be emphasized, depending upon student needs. Figure 2 visually depicts how these components interact with one another in designing effective programming.

Several assumptions contribute to this programming structure:

1. All students need systematic instruction, whether developmental or remedial, in the cognitive, affective, and psychomotor domain.

2. Social literacy and behavior control are prerequisites for learning.

3. Most students need structured and predictable educational environments.

4. All students need ongoing trusting relationships with significant others in the environment.

5. All students need an emotionally supportive environment that includes behavioral control and structure to focus attention on educational activities.

6. Academic achievement is an important component of emotional adjustment.

7. Given a core set of information and mental health skills, students can utilize these techniques for more effective living.

8. Communication and coordination with families is integral to student success.

9. The model can be implemented in a variety of educational settings from least restrictive to most restrictive.

10. Individualized programs and outcomes are adjustable to individual potential for growth and development.

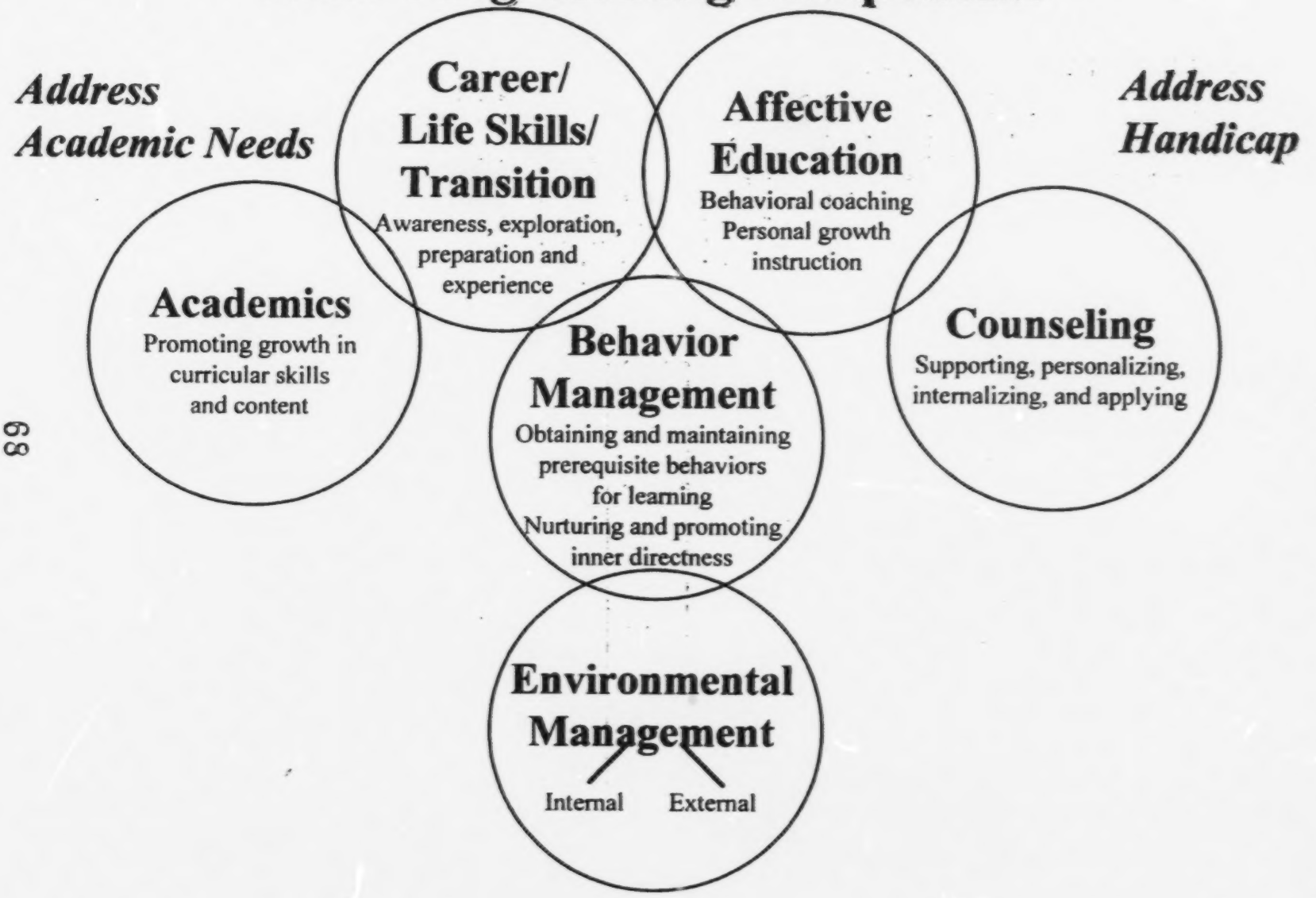
11. Support and participation in programs for students with emotional disabilities by all school personnel is paramount for optimal student progress.

Given these assumptions, it becomes important that educational programs for students with emotional disabilities incorporate all six essential program components. If this is done, special educators can be assured that the student will not be denied a needed service because of too narrow a focus and that the cognitive, affective, and psychomotor domains will all be addressed. Also the utilization of such a structure will not limit the type of personnel able to deliver the services to students, but rather offer schools options in utilizing personnel with appropriate competencies to meet student needs.

Since all programs for students with emotional disabilities should include the above listed components, a description of each component is provided below. It is critical for school personnel to recognize that a certain sequence to these components is essential for appropriate and beneficial application. In most, if not all cases, two components—(1) environmental management; and (2) behavior management—must be in place before the other four components can be useful or effective. This ensures that the environment will provide a high degree of potential for student success.

Environmental Management. "Environmental management refers to the systematic use of resources, physical factors, and organizational and communication schema to structure the students total environment for the purpose of providing necessary support and control" (p. Cessna, et al. (1992). Environmental management provides systems for structuring the student's total environment to help the student achieve school success, develop and use appropriate behavior, and move toward positive mental health.

SIED Programming Components



The critical elements of effective environmental management include:

- Classroom organization and management support functional behaviors.
- Resources are adequate and appropriate personnel with expertise in instruction, behavior, and emotional needs are available.
- Physical space/layout is used intentionally to support students emotional/behavioral needs.
- Emotional climate is safe as demonstrated by student's willingness to initiate interactions or ask questions.
- Scheduling is done intentionally to support student's emotional/behavioral needs.
- Communication systems facilitate support for the student in the total environment.

Environmental management also means that all people in the student's environment must work cooperatively toward student success by providing a strong foundation in the following:

1. Consistent expectations communicated and enforced, with consistent functionally appropriate consequences for undesirable behavior.
2. Nurturing, encouragement, and support.
3. Systematic monitoring of student performance and regular specific feedback about performance.
4. On-going communication between student, teachers, and parents regarding the student's progress.

Additionally, the structural, social-emotional, and instructional environment in which the student functions must also be considered. The structural environment refers to aspects of the classroom that support student success such as:

- Classroom size (appropriate student to adult/teacher ratio; percentage of students with special needs; accessible to students in wheel chairs)
- Classroom seating arrangement (proximity to peers, support personnel, and teachers)
- Room arrangement (density of desks, tables, and students; accessibility of teacher; detached chairs and desks; work tables; time out or refocusing station)
- Lighting (intensity of light, glare, consistency of light)
- Materials (availability of text books, remedial materials, alternative materials, learning center options)
- Multi-modal instructional resources and equipment (computers, audio tape recorders & players, overhead projectors, Internet access)
- Classroom distractions (posters, bulletin boards, windows, pencil sharpeners)
- Noise levels
- Classroom schedule and daily routines

The social-emotional supports that a student receives from peer interactions, family involvement, home-school involvement, and community participation all influence student success.

Instructional supports assist students in successful participation in the general classroom, extra-curricular, and community activities. These supports may include such things as:

- 1:1 or small group assistance provided in the classroom
- Accessibility of special education and related services personnel
- Peer-mentoring programs
- Job-shadowing opportunities
- Vocational training

The goal of environmental management then, is to manage or alter the environment so that the student will have the greatest opportunity for success during the day. When it is evident that the varied environments of the student do not possess sufficient cooperation and accommodation for successful participation, service providers need to consider restructuring the student's schedule, setting, interactions, etc. to maximize the potential for student involvement.

Methods that might be incorporated in environmental management systems include:

- Smaller classes
- Cueing systems
- Schedule modifications
- Consultation systems
- Multiple communication systems
- Student advocacy systems
- Computer-assisted instruction and production
- Room design modifications
- Adaptive equipment usage
- Parent support programs
- Alternative high-interest instructional materials
- Structured behavior plans

The utilization of such environmental management strategies provides a basis for the application of the other five program components and thus, should be viewed as a prerequisite for successful implementation of the other program components.

Behavior Management. "Behavior management refers to the systems, including classroom management, individual management, school rules and

crisis management to assist the student in obtaining and maintaining prerequisite behaviors for learning and to assume increasing responsibility for his/her own behavior" (Cessna et al., 1992). The behavior management component provides a system to effect behavior change in the student so that he/she might then be ready for learning and application of the academic, career/life skills/transitions, affective education and counseling components. A primary characteristic of students with emotional disabilities is that they have difficulty with internal direction and control. The long term goal for all students with emotional disabilities is to be able to appropriately cope with stress and meet the expectations of school and society. Therefore, various methods must be employed to decrease undesirable behaviors and increase desirable behaviors.

The critical elements of effective behavior management include:

- There are systems for classroom management that facilitate appropriate behaviors.
- Procedures and modifications are utilized to assist students in following the school and/or bus rules.
- Management systems are in place for atypical and crisis situations.
- There is a system for individual behavior management to facilitate appropriate behavior.
- Behavioral intervention or interactions are utilized to encourage students to be more responsible for their behavior.
- Behavior management systems involve key people in the student's environment.

Once the environment has been adapted and controlled for the student, behavior management then has three sequential goals:

1. To obtain and maintain prerequisite behaviors for learning.
2. To obtain and maintain inner direction and motivation by the student so that he/she is able to assume responsibility and control of his/her emotions and behavior.
3. To generalize responsibility and control of his/her emotions and behaviors to all environments in which the student functions and interacts.

As you learned in Chapter 5, the most successful behavior management systems are those which are designed in accordance with a functional behavioral assessment. Understanding how behavior is working for a student is the key to designing an effective management plan. Additionally, management plans must be designed according to the individual's skills and needs. Effective behavior plans include both a plan for how to respond to behavior, as well as, a plan for teaching behaviors needed in order for the student to be successful.

Many behavior management plans rely on the principles of behavioral models such as Operant Conditioning. Commonly used techniques include token

systems, positive reinforcement, negative reinforcement, time out, response-cost systems, contracting, etc. Although the appropriate implementation of techniques such as these often does yield positive behavior change, they often fail when implemented without consideration for the individual preferences and needs of the students. Additionally, problems often arise when management systems are inconsistently implemented or impractical given the constraints of an environment. Further, failure to establish within the system a plan for transferring the external control of the system into the internal control of the student can inhibit or stifle student growth. It cannot be overstated that systematization, structure, consistency, clarity, and a clear sense of the goals of the management plan are the cornerstones of successful creation and implementation.

Academics. One of the major goals for all students in the public schools is to achieve competency in curricular subjects. Students are regularly involved in instruction geared towards the successful passing of state assessment standards. The academic component of a program for students with emotional disabilities should provide "systems to promote academic growth utilizing various techniques or curricula which are appropriate to the student's individual learning needs" and as similar as possible to the school's regular curriculum (Cessna, et al., 1992). The major academic goals for a student with emotional disabilities are to learn academic skills at a level commensurate with his/her potential, and to be able to demonstrate this knowledge by passing the State Assessments. To achieve these goals, teachers must recognize the necessity for flexibility in designing and teaching academic subjects. Recognizing that students with emotional disabilities vary both in their ability to learn as well as their skill levels demands that alternatives be provided to meet each student's individual curricular and training needs.

The critical elements of effective academics include:

- A comprehensive academic curriculum must be available for the student.
- Systems/structures accommodations are used to help maintain students in the least restrictive environment.
- Effective instruction is provided.
- Accommodations and modifications are provided when needed so students can be successful in meeting academic content standards.

Alternative instructional methods that have been found to be useful include:

- ❑ Remedial instruction
- ❑ Accelerated or enriched instruction
- ❑ Integrated curricular instruction
- ❑ Individual and small group instruction
- ❑ Computer-assisted instruction
- ❑ Tutoring
- ❑ Experiential education opportunities

- Utilization of high-interest materials in lieu of traditional texts
- Multi-modal instruction
- Modification of course materials
- Simulation or role-playing activities
- Alternative methods for demonstrating knowledge or competency

The academic success of a student with emotional disabilities requires creativity, flexibility, direct instruction and intervention, as well as careful coordination of the other five program components (environmental management, behavior management, career/life skills/transitions, affective education and counseling.) Without the thoughtful synthesis of these components, the potential for student success is greatly reduced.

Career/Life Skills/Transitions. Career/life skills/transitions refers to "systems which develop those skills necessary for productive meaningful life outside of school. These systems provide the link between the skills a student gains in his/her school experience and application of those skills in the non-academic setting" (Cessna, et al. 1992). It is critical to assist students with emotional disabilities in developing competencies that will lead to productive meaningful lives outside of school and after they leave school. To assist students in this process, career, vocational, and life skills education must be an integral part of every program from the elementary grades to graduation. These programs can be integrated into direct instruction, service-learning, and work-study opportunities.

The critical elements of effective career/life skills/transitions programming include:

- Students are systematically provided with information/skills necessary for life outside of school.
- Curriculum is appropriate in content, level, scope, and developmental sequence.
- Effective instruction is demonstrated.

CDE recognizes that an appropriate emphasis in career/life skills/transitions needs to be present at all ages. Elementary school is seen as a time for "awareness." Content generally includes discovery of why people work and the variety of occupations. Middle school is a time for "exploration." In middle school the content focuses on exploring a variety of careers which will best meet individual abilities and interests. High school is a time for "preparation." Here the content includes preparation for an occupation in the areas of socialization, communication, job procurement, job retention, and financial management.

Career education includes programs, curricula, and activities that provide experiences designed to help individuals become oriented to, select, prepare for, enter, become established, and advance in an individually satisfying and

productive career. Living skills may include instruction and guided practice in the following:

- Domestic skills
- Health
- Transportation
- Citizenship
- Community resources
- Leisure and recreation
- Time management
- Housing, phone skills, money management and other independent living skills

Affective Education. Affective education is designed to provide each student with an instructional approach to positive mental health. It is defined as "systematic instruction the primary purpose of which is to help students acquire information, attitudes, and skills which will encourage appropriate behavior and mental health" (Cessna et al. 1992). The critical elements of effective affective education are:

- Students are systematically provided with information/skills regarding behavior.
- Affective education covers personal, relationship, and life skills.
- Curriculum is selected on the basis of individual student needs.
- Good instructional practices are employed to teach affective education.
- Transference and maintenance of skills is systematically planned and taught.

Affective education programs need to be designed to respond to the developmental needs of students. They need to build upon previous material and be organized, comprehensive, and factually driven. Affective education programs are most successful when integrated into the student's regular classroom environment and co-facilitated by a trained school mental health provider and the student's regular classroom teacher. Opportunities for students to practice skills acquired in affective education programs in multiple settings across school, home and community, result in the greatest acquisition of skills and generalization of knowledge.

Instructional content in affective education programs typically includes:

- Identification and appropriate expression of feelings
- Personal awareness
- Communication
- Problem-solving
- Decision-making
- Group and systems understanding

- Significant relationships
- Lifestyle choices (i.e. drugs, risk-taking, illegal behavior, etc.)
- Coping strategies
- Stress management
- Life planning

Counseling. Counseling is designed to provide each student with an interactive approach to positive mental health. Counseling is best defined as systematic assistance and support for which the primary purpose is to help the student with the personalization and internalization of information about alternative ways to behaving and viewing ones beliefs, oneself, and the world" (Cessna, et al. 1992).

The critical elements of effective counseling programs are:

- Students are systematically assisted in internalizing and personalizing new affective information and behavior skills.
- Good counseling strategies are employed to assist the student in personalizing and internalizing information.

Counseling typically involves individual or group discussion designed to help the student understand himself/herself and his/her problems, to share feelings and concerns in a confidential and supportive manner, and to plan and evaluate personal goals in order to effectively participate in the educational process. Counseling is the component that links all aspects of a student's program together in a personalized manner. The absence of structured counseling opportunities for students with emotional disabilities can be detrimental to the overall progress of a student.

B. Providing Services in the Least Restrictive Environment

The primary programming goal for all students with emotional disabilities, should be the provision of services in the least restrictive environment. IDEA (97) § 300.550 (b) states:

(b) Each public agency shall ensure—
(1) That to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are non-disabled; and
(2) That special classes, separate schooling or other removal of children with disabilities from the regular education environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

In complying with this mandate, every effort should be made by schools to design and implement appropriate needs-based programming for students with emotional disabilities within the general education environment. The following critical elements are identified for successful programming:

1. Supportive and informed school administrators and school boards.
2. Supportive and informed general education staff.
3. Supportive and informed special education teachers, paraprofessionals, and related service providers.
4. Supportive and informed parents.
5. Cooperative, collaborative, and non-adversarial relationships between parents, educators, and students.
6. Positive and enthusiastic service providers.
7. Collaboratively designed and implemented behavioral support plans.
8. Regularly scheduled affective education programming.
9. Regularly scheduled individual and/or small group counseling opportunities.
10. Regularly scheduled career/life skills/ and transitional programming.
11. Comprehensive and immediate crisis intervention programming and facilities (i.e. de-escalation rooms, time out areas, immediate access to affective education and behavioral specialists, immediate access to school based mental health professionals such as school psychologists, social workers, and counselors, school-wide violence prevention programming & procedures, etc.).
12. Team-taught instruction with general education and special education affective behavior specialists.
13. Consistent, structured, and planned professional communication and planning times.
14. Consistent, structured, and planned communication opportunities with parents/guardians.
15. Consistent, structured, and planned communication and progress feedback opportunities with students.
16. Flexible programming and scheduling for students.
17. Clearly defined and consistently implemented data-driven procedures for identifying students as eligible for special services due to an emotional disability.
18. Clearly defined and consistently implemented data-driven procedures for dismissing students with emotional disabilities from special education.
19. Adequate equipment and supplies for instruction and individualizing of the curriculum as needed.
20. Furniture that offers alternatives for instruction including minimally distractive study areas, tables for group work, areas to safely store personal items and materials, etc.
21. Professional development and inservicing opportunities for all school staff in planning and programming for, and responding to, students with emotional disabilities.

22. Available professional consultation opportunities for school-based professionals working with students with emotional disabilities.
23. Adequate support systems, incentive programs, and school-community building opportunities to prevent the burnout of quality educators and other school personnel.
24. Access and communication with community-based referral resources (i.e. community based mental health programs, police and sheriff departments, social services, churches, recreation centers, etc.).
25. A school wide commitment of all faculty to support, nurture, and teach all students, including students with emotional disabilities.

Chapter 7: Final Thoughts

Throughout this guidebook, we have attempted to objectively examine the issues impacting the identification of students with emotional disabilities. We recognize that the effectiveness of this guidebook is limited by the availability of current research, ever-changing knowledge base regarding the nature of emotional disabilities, and the past and current professional practices of school districts. With this in mind, we remain committed to providing you the best possible resource at this time.

Future Areas for Research, Study, and Professional Training

The SIED Committee encourages all practitioners to commit themselves to further research and study as to how students with emotional disabilities may be best served. Research and inquiry conducted in school-based settings has the best possible ability to impact the quality of future professional practices. Further, field-based study provides the greatest opportunity for professional growth and school reform. Some areas for future study include, but are not limited to:

- Continuing research understanding the etiology of emotional disabilities.
- Continuing research and evaluation of the effectiveness of instructional strategies, school-based therapeutic interventions, and educational practices with students with emotional disabilities.
- Improved assessment tools and strategies for the identification of students with emotional disabilities.
- Improved collaboration between special education and regular education personnel in providing effective programming for students with emotional disabilities.
- Improved collaboration between school personnel and families in designing and implementing system-wide programming for students with emotional disabilities.
- Ongoing professional development and training for teachers, administrators and related service professionals serving students with emotional disabilities.

These are just a few of the key issues that will require ongoing study, exploration, and training.

Many resources currently exist for people interested in developing their knowledge and understanding of educational practices with emotionally disabled students. Many resources can be accessed by contacting public agencies, such as universities, professional organizations, or the Colorado Department of Education. Additionally, printed information is available through libraries, government documents, and online information. Some resources that might be helpful to people working with students with emotional disabilities include:

Office of Special Education and Rehabilitative Services
http://www.ed.gov/offices/OSERS

Colorado Department of Education
http://www.cde.state.co.us/cde.htm

US Department of Education for Civil Rights
http://www.ed.gov/offices/OCR/index.htm

National Information Center for Children and Youth with Disabilities
www.nichcy.org

National Mental Health and Education Center for Children and Families
www.naspweb.org/center.html

Council for Exceptional Children
http://www.cec.sped.org

Center for Mental Health in the Schools
http://smhp.psych.ucla.edu

IDEA 97' Text: Go to this WEB site and click on "the law".
http://www.ed.gov/offices/OSERS/IDEA

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Appendix A

Functional Behavioral Assessment Tools

Functional Assessment Tools and Purposes and Uses

Colorado Department of Education, 1999
Behavior Learning Team

Tool	Type	Purpose/Outcome	Data Collection and Interpretation	When to Use	Author/Publisher
Antecedent Behavior Consequence (ABC)	Direct observation recording tool. Specific event analysis. Can be analyzed from a videotape segment.	Determines what happens before a behavior occurs, what the behavior looks like during an event, and what happens after the behavior occurs including environmental conditions, interactions, etc.	Persons trained in observation and recording techniques.	When analyzing specific conditions that may be triggering or maintaining behavior.	Multiple forms available.
Functional Assessment Observation Form	Direct observation tool Multiple event recording	Provides information regarding predictor events, consequences, frequency, perception about how the function of the behavior is maintained, the time the behavior occurs, and patterns of behavioral occurrences.	Persons who are in direct contact with the individual and who are trained in the use of the form and interpretation by persons trained in behavioral assessment.	When behaviors occur at a moderate to high frequency (25 times per day). Can be used for lower frequency behaviors (<25 occurrences) when used as a time sampling tool (e.g. 15 minutes out of each hour.)	O'Neill et. al. 1997 Brooks/Cole Publishing Company 511 Forest Lodge Rd. Pacific Grove, CA 93950
Functional Assessment Interview	Informant Interview Tool	Provides information about events that influence problem behavior.	Individual that has trained in interview techniques.	When identifying settings, events and activities.	O'Neill et. al. 1997 Brooks/Cole Publishing Company 511 Forest Lodge Rd. Pacific Grove, CA 93950
Motivational Assessment Scale	Informant tool Analysis of specific behavior which can be used for multiple events	Determine desired outcome or function behavior serves	Any individual who is involved with the student.	When developing hypotheses about behavior.	Durand and Cummins, 1992 Monoco and Associates 531 N. E. 35th Topeka, KS 66617 (785) 272-5501
Outcome Analysis	Observation informant tool Multiple event analysis	Determine desired outcome or function behavior serves, interactions that are occurring, behavior patterns	Person trained in the use of the form and interpretation by educational team and trained persons who know the student	When behavior of concern occurs at a lower frequency	Instructionally Differentiated Programming, 1993 Colorado Department of Education 201 E. Colfax Denver, CO 80203 (303) 866-6694

Tool	Type	Purpose/Outcome	Data Collection and Interpretation	When to Use	Author/Publisher
Scatterplot Analysis	Direct environment observation recording tool	Charts baseline information about the occurrence of the behavior within specific time increments and activities	Persons trained in observation and recording techniques	When determining when the behavior does and does not occur	Various Sources
Information Gathering Tool for Developing Comprehensive Behavior Support Plan and the Comprehensive Behavior Support Plan	Informant/ecological interview tool	Provide groundwork for the construction of a comprehensive behavior support plan. In-depth process that examines multiple environments and motivations.	Person should be trained in the use of behavior support processes		Jackson & Leon, 1998 In Developing a Behavior Support Plan: A Manual for Teachers and Behavioral Specialists
The Instructional Environmental System II (TIES II)	Informant/ecological observation tool Multiple checklists and interview formats. Emphasis on general education classroom and environment and curriculum.	Provides parent teacher and student perceptions about learning environment interactions, and expectations. Additionally, provides a direct observation format for collecting academic and behavioral data.	Can be filled out by any person who knows the child and the instrument. Observes and/or interviews classroom teacher, parent/guardian and student. Should be interpreted by persons with training in behavioral assessment.	When there is a need to understand the multiple influences on a student's performance.	J. Ysseldyke & S. Christenson, 1994 Sopris West 4093 Specialty Place Longmont, CO 80504 (303) 651-2829 1-800-547-6747
Screening for Understanding of Student Problem Behavior	Informant/interview of student-centered team	To systematically determine the functions of a given behavior and the factors associated with the (non-) occurrence of that behavior.	Any person can facilitate the process.	When both broad and specific information needs to be gathered.	Pennsylvania Department of Education, 1999 717/783-6913
Anecdotal Logs	Continuous written data recordings	Provides an ongoing qualitative event recording of the behavior, antecedents, and consequences	Can be written by any person who works with or observes the student. Should be interpreted by persons with training in behavioral assessment.	When determining what the behavior looks like, frequency of occurrence and the specific environmental conditions surrounding the behavior occurrence.	Various sources.

Appendix B

Example of a Completed SIED Eligibility Determination Worksheet

Appendix B: SAMPLE Eligibility Determination Worksheet: SIED

Student Name: Wally Cleaver
Grade: 6th

Date of Birth: January 1, 1988
School: Maloney Elementary School

Meeting Date: April 1, 2000

Parents/Guardian: June and Ward Cleaver

***Eligibility Criteria:* A student with a Significant Identifiable Emotional Disability has emotional and social functioning which prevents the student from receiving reasonable educational benefit from general education. To qualify for special services, students must fulfill the criteria identified in sections I, II and III. A student's qualification for each of these criteria must be supported by observable and measurable assessment data.**

I. **Emotional or social functioning shall mean one or more of the following:**

NOTE: In order for a student to qualify for one or more of these indicators, evidence must be provided that the student's responses are significantly different than what is normally expected for children or youth of their age and developmental level. Evidence must include objective evaluation data of student performance.

❑ Exhibits pervasive sad affect, depression, and feelings of worthlessness; cries suddenly or frequently	As evidenced by:
❑ Displays unexpected and atypical affect for the situation.	As evidenced by:
❑ Exhibits excessive fear and anxiety.	As evidenced by:
❑ Makes persistent physical complaints not due to a medical condition.	As evidenced by:
❑ Exhibits withdrawal, avoidance of social interaction, and/or lack of personal care to an extent that maintenance of satisfactory interpersonal relationships is prevented.	As evidenced by:
❑ Is out of touch with reality; has auditory and visual hallucinations, thought disorders, disorientation, or delusions.	As evidenced by:
❑ Is unable to get mind off certain thoughts or ideas; cannot keep self from engaging in repetitive and or useless actions.	As evidenced by:
❑ Displays consistent pattern of aggression toward objects or persons to an extent that development or maintenance of satisfactory relationships is prevented.	As evidenced by:
✓ Demonstrates pervasive oppositional, defiant, or non-compliant responses.	As evidenced by: Record review of office referrals & suspensions. ▪ 20 office referrals from Sept. to March; ▪ 3 two-day suspensions due to abusive verbal responses when asked to participate in classroom activities.
✓ Demonstrates significantly limited self control, including an impaired ability to pay attention	As evidenced by: ▪ WPBIC significantly higher than average distractibility ▪ RPBC, Quay & Peterson show significant scores in "motor excess" ▪ Observations of intensity, frequency and duration show student is unable to sustain attention to task for longer than 10 minutes during low-or high demand instructional activities
❑ Exhibits persistent pattern of stealing, lying, or cheating.	As evidenced by:
❑ Exhibits persistent patterns of bizarre and/or exaggerated behavior reactions to routine environments.	As evidenced by:

II. **One or both of these characteristics shall be present. Check the appropriate boxes and provide the appropriate data.**

✓ ***Academic Functioning:*** An inability to receive reasonable educational benefit from regular education which is not primarily the result of intellectual, sensory, or other health factors, but due to the identified emotional condition.	As evidenced by: (Check all that apply) ✓ Failing grades. List failed classes & Grades: F in Math ✓ Significantly below expectancies for academic achievement. Discrepancy is attributable to an emotional condition, not a learning disability. Achievement areas and standard scores: WJ-R Broad Math = 83; WISC-III=110. No processing deficit identified. ❑ Chronic unexcused absences. List attendance rate: # of Days of Unexcused Absence_____ Days of School _____ ❑ Other: _____
✓ ***Social Emotional Functioning:*** A inability to build or maintain interpersonal relationships which significantly interferes with the student's social development. Social development involves those adaptive behaviors and social skills that enable a student to meet the environmental demands and assume responsibility for their own and other's welfare.	As evidenced by: ✓ Assessment Procedures & Testing Results. Detail all formal assessment: • BASC teacher form externalizing composite=74, showing significantly high scores in hyperactivity, aggression, and conduct problems • BASC teacher form school problems composite=76, showing significantly high scores in attention and learning problems • BASC teacher form adaptive composite=33, showing significantly low scores in adaptability, sociability, leadership and study skills • BASC self report form school adjustment composite = 29, showing significantly low scores in attitudes toward school and teachers ✓ Observation. Explain: Outcome analysis observations of problem behavior indicates outcome themes of power and control. ❑ Discipline & Cumulative Records: _____ ❑ Parent Report. Explain:_____ ❑ Self-Report: _____ ✓ Other: Social work interview with student and documentation of Social Services intervention related to suspected physical abuse.

III. **All four of the following qualifiers shall be documented for either of the above characteristics demonstrated.**
NOTE: The first qualifier may not be applicable in the case of court ordered placements, triennial reviews, and identification of children ages 5 and younger.

✓ A variety of instructional and or behavioral interventions were implemented within regular education, and the child remains unable to receive reasonable educational benefit from regular education, or his/her presence continues to be detrimental to the education of others.	As evidenced by: 1. An intervention plan was completed? Yes Type of Plan: ☐ instructional X behavioral ☐ both 2. Components of the intervention plan included: Instruction in communication skills, rules, and consequences. 3. Effectiveness of the intervention plan: Not effective. Plan was implemented for 6 weeks with revisions after 4 weeks. No change in problem behavior was observed.

✓ Indicators of social emotional dysfunction exist to a marked degree; that is, at a rate and intensity above the student's peers and outside of his/her ethnic and cultural norms and outside the range of normal developmental expectations.	As evidenced by: • BASC and other standardized scores are considered clinically significant for emotional indicators. See score report • Office referrals are high compared to other students at same school.
✓ Indicators of social/emotional dysfunction are pervasive and are observable in at least two different settings within the student's environment, one of which must be school.	As evidenced in the following settings: ✓ School. Explain: In all instructional and non-instructional settings where adult authority is present. ✓ Home. Explain: BASC parent form shows externalizing scores high average, anxiety scores high average, attention scores high average. Parent reports not as many problems at home as in other settings. ✓ Community. Explain: Parental reports of similar behavioral problems in little league and boy scouts.
✓ Indicators of social/emotional dysfunction have existed for a period of time and are not isolated incidents or transient situational responses in the student's environment.	♦ Determined length of time the dysfunction has been present: 5 months this year. Significant related office referrals beginning in 3rd grade. ♦ Is it likely that the dysfunction is attributable to an isolated incident or transitional response? NO

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